



# City of Anna Maria

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**MINUTES  
CITY OF ANNA MARIA  
CITY COMMISSION WORKSESSION  
TUESDAY, SEPTEMBER 8, 2011  
6:00 P.M.**

**Pledge of Conduct:** We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

## **CALL TO ORDER**

Chair Webb called the meeting to order at 6:00 p.m.

## **PLEDGE TO THE FLAG**

## **ROLL CALL**

**Present:** Vice-Chair Jo Ann Mattick, Commissioner Dale Woodland, Chair Chuck Webb, Commissioner John Quam, and Commissioner Eugene Aubry.

**Absent/Excused:** Mayor Mike Selby.

**Staff Present:** City Clerk Alice Baird, Finance/Deputy Clerk II Maggie Martinez, Building Official Bob Welch, City Attorney Jim Dye, and City Planner Alan Garrett.

**Press:** Sun and Islander.



- 1. Second Reading & Public Hearing Ordinance 11-725 – Acquisition of Real Property Bond.**  
*City Clerk Baird* read the Ordinance by title.

*City Attorney Dye* informed that the Ordinance was drafted by the City's Bond Counsel and is for the pre-work performed for authorizing the financing for the 6-lot acquisition at Pine Ave. and N. Shore Dr. Explanation followed. The pre-closing is scheduled for September 19, 2011 and the real estate side of the process would follow a day or two later. He explained that no building is allowed on the property but that some form of use has to be identified.

## **Public Comment**

*Chair Webb* opened the public comment portion of the Hearing.

*Hearing no public comment, Chair Webb* closed the Public Hearing.



**MOTION:** Commissioner Woodland moved to adopt Ordinance 11-725 as presented. Commissioner Mattick seconded the motion.

**ACTION:** On roll call vote, the motion passed unanimously.



- 2. a. Resolution R 11-681 – Supplementing Ord. 11-725 Acquisition of Real Property.**  
*City Attorney Dye* explained.

*Commissioner Woodland* asked about the pre-payment – not more frequently than once in each bond year. He asked if that was normal language for bonds. *City Attorney Dye* answered that it was.



*Commissioner Mattick* asked for clarification on language on page 1 and *Commissioner Quam* questioned if the Commission would have the authority to transfer the bond if desired. *City Attorney Dye* responded.

**Public Comment**

*Chair Webb* opened the public comment portion of the Hearing.

*Hearing on public comment, Chair Webb* closed the Public Hearing.



**MOTION:** Commissioner Quam moved that Resolution R 11-681 be approved for adoption. Commissioner Woodland seconded the motion.

**ACTION:** Motion carried – All Aye.



- 2. b. **Resolution R 11-682 – Resolution Confirming Authority to Acquire Certain Property Located Within the City Limits of the City of Anna Maria Described as Lots 5, 6, 7, 8, 9, and 10, Block 39, Anna Maria Beach Subdivision, Second Addition, According to the Plat Thereof Recorded in Plat Book 1, Page 241, Public Records of Manatee County, Florida (the Property).**

*City Clerk Baird* read the Resolution by title.

*City Attorney Dye* explained that a requirement of the title insurance is that the City execute and record a Resolution confirming that the City is authorizing the transaction.

*Chair Webb* noted that the Resolution allows the Commission to authorize the Mayor, City Clerk, City Finance Director, City Attorney, and such other necessary City employees, consultants, and agents, to execute the documents. *Chair Webb* felt only the Mayor should have the authority.

*City Attorney Dye* informed that the Mayor would most likely be the one signing the documents; however, the authority is there for others if needed.

**Public Comment – None.**

**MOTION:** Commissioner Mattick moved that Resolution R 11-682 be approved for adoption. Commissioner Woodland seconded the motion.

**ACTION:** Motion carried unanimously.

- 3. **Resolution R 11-679 – Public/Private Partnership.** 

*Commissioner Woodland* stated Resolution R 11-679 serves as a formal intent for the Commission to authorize proceeding on the Public/Private Partnership to assist with purchasing of the 6 lots. He pointed out that he wanted the property rezoned from ROR to PSP. Subsection # 3 has been added to Resolution R 11-679 stating the City resolves to consider and enact if appropriate, changes to the land use designations upon the Property, to those land use

designations most appropriate for a public use property. Commissioner Woodland said while it did not specifically state it would be rezoned from ROR to PSP, he preferred the new language in order to leave it open for Public purposes, PRA, etc. The intent is to rezone to a public use.

*City Planner Garrett* pointed out that the lots are designated as ROR on the land use map.

Discussion followed. *City Attorney Dye* informed that staff has several Comp Plan changes currently working through the system. He said it was important for the City to determine the use of the property.

*Commissioner Mattick* stated she would be suggesting that a Core Planning Group be formed that would be responsible for taking into consideration all public comment, the Commission's wishes, etc. in order to arrive at a basic plan for the use of the 6 lots. Commissioner Mattick noted that with pursuing the grants – the largest being the Transportation Enhancement Grant – the plan must be completed by February 1, 2012 for FDOT's review. Smaller grants are due in October.

*City Attorney Dye* pointed out that the amount of time spent making a determination on how the property will be used is based on when the City hopes to begin using it as public use. He pointed out that most likely the uses proposed will fit into the PRA land use category.

*Commissioner Mattick* noted that the Mayor had concerns about the PRA and had suggested the PSP land use category.

**ACTION:** It was agreed that determination of the land use category would be placed on the October Work Session agenda. The City Planner will provide the uses for both the PRA and PSP.



**MOTION:** Commissioner Woodland moved that R 11-679 be approved for adoption. Commissioner Mattick seconded the motion.

**ACTION:** Motion carried – All Aye.



**4. First Reading - Ordinance 11-726 - Luana Isles Vacation of Easements.**

*City Planner Garrett* explained that the Ordinance was a request for reducing a side-yard easement so that the existing home does not encroach into the easement. He informed that the property owner would be in attendance at the Second Reading of the Ordinance. He then read the Ordinance by title by amending the title block based on the recommendation of the Planning & Zoning Board - to read as follows:

“AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, VACATING A PORTION OF THE TEN-FOOT FRONT, SIDE AND REAR YARD EASEMENTS FOR LOT 45, LUANA ISLES SUBDIVISION AS RECORDED IN PLAT BOOK 11, PAGE 22, MANATEE COUNTY, FLORIDA, 113 GULL DRIVE PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.”

*Public Works Director McKay* questioned the 6.7-ft to the property line as indicated on the most recent survey. He stated that changing the easement to 7-ft would still allow for the encroachment.

*Planner Garrett* informed that a surveyor needs to clarify and that he had already sent that request to the property owners.

*Commissioner Quam* pointed out that the lot is 9,100 sq. ft and an addition had been added to the home sometime between the 2003 and 2011 surveys.



### **Public Comment**

*Tom Turner*, N. Shore Dr. announced he was the P&Z Boardmember who suggested the current 10-ft easement be increased from the requested 5-ft to his suggestion of 7-ft. His reasoning was that if the easement were to ever be used, a bobcat could not get down a 5-ft easement.



### **5. Gulf Front Park Landscape Plan.**

*Public Works Director McKay* explained that an environmental evaluation was performed in May 2005. The City contacted the Environmental Affairs Consultants (EAC) to remove Brazilian Peppers and Australian Pines between Oak Ave. to Mangrove Ave. Since 2005, three property owners have asked to contribute funds for the removal of exotics.

To remove the exotics, the City would bring in an individual licensed in the State of Florida. Most of the exotics are approximately 30 to 40-ft. tall. *Public Works Director McKay* noted that some individuals would like to see the exotics left alone.

*Public Works Director McKay* noted that some exotics were removed between Cedar and Willow during a recent Manatee County Sheriff Department police matter. A donor has now come forward with funding to restore that area with native plantings.

The Commission was asked if they wanted the City to continue following the Gulf Front Park Landscape Plan or that the exotics not be removed.



In answer to *Commissioner Quam*, *Public Works Director McKay* informed that approximately 6 to 7 Australian Pines would be removed.

*Commissioner Mattick* asked if a specific company would be hired that was familiar with the turtles. *Public Works Director McKay* responded.

*Commissioner Woodland* pointed out that when the City previously worked with EAC there were very strong opinions on both sides relating to the removal of the mature Pines. He suggested at a minimum that the property owners on both Cedar and Willow are personally notified.

*Chair Webb* agreed that the Brazilian Peppers should be removed. As far as the Australian Pines, he has learned that nothing will grow under them and natives cannot be planted next to them due to the Pine's needles. As a result, he felt the Pines should be removed and new trees are replanted in their place that are better such as Mahogany's, Live Oaks, etc. He further noted that the Pines are dangerous and could destroy homes in the event of a hurricane.

**ACTION:** After discussion, it was agreed that the issue is discussed at the October Work Session. City Attorney Dye suggested that any donor contributions be firmed up prior to the City obligating itself to pay for consultants, etc. Commissioner Mattick suggested the donor also be responsible for the consultant fees.



## 6. Discussion Regarding Grants & Fundraising Opportunities

### Grant Discussion

*Commissioner Mattick* spoke relating to the grant opportunities available for the 6 N. Shore Dr. and Pine Ave. lots the city is purchasing. She noted that no matching funds are required. Commissioner Mattick asked for Commission direction as to whether she should pursue the following grant opportunities:

Tampa Bay Estuary Program – Deadline = October 3, 2011 by 3:00 p.m. – Grant up to \$5,000  
Sarasota Bay Estuary Program – Deadline = March 1, 2012 at 4:00 p.m. – Grant up to \$3,000  
Transportation Enhancement Grant (TEG) – Preliminary App to FDOT by February 1, 2012 and Final App submitted to the MPO by June 15, 2012. Maximum grant award is \$600,000.

Commissioner Mattick suggested that a Planning Group be formed to include herself, Mayor Selby, Former Mayor Barford, Public Works Director McKay, Mike Miller, Tim Eiseler, and Commissioner Aubry. *Commissioner Aubry* agreed to serve on the committee after his Commission term expires in November.

*Commissioner Woodland* asked that the Commission be kept informed during the grant process. In referring to the TEG grant and if the bridge gets replaced, he asked that a good estimate be obtained from the DOT relating to the land area that would be needed in the future for the bridge replacement.

*Commissioner Mattick* provided an update on the recent meeting between the City and FDOT.

**ACTION:** It was the Commission consensus that Commissioner Mattick proceed with pursuing the grant opportunities available. A Resolution that establishes the Grant Committee will be drafted by the City Attorney for the October Work Session.

### Fundraising Discussion

*Commissioner Mattick* said she had researched what some other communities have done as far as fundraising events. Explanation followed relating to sponsor recognition, types of non-monetary contributions, and the various types of fundraising events that have taken place. Commissioner Mattick asked for authorization to continue researching the different types of events so she can begin organizing them by Spring 2012.

*City Attorney Dye* confirmed that the City could accept a portion of the proceeds from a fundraising event.

*Commissioner Quam* asked that parking be considered during any event due to the leases for the Bayfront Park and City Pier.

*City Attorney Dye* advised there is no language in the lease requiring prior approval for parking at the Bayfront Park. The lease with the City Pier, however, does designate parking spaces specifically for the City Pier customers.

**ACTION:** It was Commission consensus that Commissioner Mattick move forward on pursuing fundraising opportunities.



**7. Cell Tower Discussion**

*Commissioner Aubry* questioned what the delay had been for obtaining a cell tower. He suggested a cell tower/flag pole be placed on the new 6 lot location and pointed out doing so would create additional revenue for the City.

**Public Comment**

*Micheal Coleman*, Pine Ave. stated that not having a cell tower proposes potential liability for the City to not provide for an emergency. He felt the City had an obligation for providing the proper communication ability, the issue needed to be resolved, and doing so would provide the City with additional revenue.

*Commissioner Mattick* asked about placing a cell tower on City Hall property. She later suggested the City ask providers to inform what the maximum height would need to be to build a cell tower in Anna Maria. Doing so would determine whether or not it would even be worthwhile for the City to further pursue.

*City Attorney Dye* responded noting that the City did get information from the consultant on what needs to be done. He stated the current Ordinance fall zone is a big hindrance due to a public safety issue.

*Chair Webb* discussed the repeater technology.

**ACTION:** Chair Webb asked that the Cell Tower discussion is placed on an upcoming meeting agenda by the Mayor.



**8. Discussion Regarding Proposed Chapter 74 (Ordinance 11-723)**

*Building Official Welch* explained the purpose for the proposed Ordinance. He asked for authorization to move forward with putting the language in an Ordinance format.

*Commissioner Aubry* asked about the property lien process. He questioned placing a lien on a person's personal items and gave an example of how the process has been abused in another community.

**ACTION:** It was consensus of the Commission that the rewriting of Chapter 74 be placed in an Ordinance format for the Commission's consideration.



**Additional Business**

**October Meeting Dates Discussed**

*Commissioner Woodland* and *Commissioner Quam* announced they would be unable to attend the October 27, 2011 regular Commission meeting. *Commissioner Mattick* will be out-of-town on the date of the Commission’s October Work Session.

*City Attorney Dye* informed that staff would be bringing Comp Plan amendments to the Commission for their approval and that a super majority vote of the Commission would be required to pass the amendments.

*Chair Webb* asked that each Commissioner provide City Clerk Baird with the dates of their availability during October and that staff provide the dates when the Comp Plan amendments would be brought before the Commission. A decision on scheduling the October meetings could then be determined.



**Special Events Permits on the 6 Lots**

*Public Works Director McKay* questioned if the City would still need to process Special Events Permits for events held on the 6 lots.

*Chair Webb* stated that all requests should be processed as a Special Event; however, once the City becomes the property owner, a lease fee may be appropriate. He asked that the discussion be placed on the October Work Session agenda.

**Public and Press Comment on agenda items – None.**

**Adjournment**

The meeting was adjourned by Chair Webb at 7:25 p.m. The next regular meeting is scheduled for Thursday, September 20, 2011.

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**Alice Baird, CMC, City Clerk**

**MINUTES APPROVED:** \_\_\_\_\_