



City of Anna Maria

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MINUTES CITY COMMISSION REGULAR MEETING SEPTEMBER 22, 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

Vice-Chair Mattick called the meeting to order at 6:00 p.m.

Roll Call.

Present: Mayor Selby, Vice-Chair Mattick, Commissioner Woodland, Commissioner Quam, Commissioner Aubry.

Absent/Excused: Chair Webb.

Present: Finance Director/Deputy City Clerk Percycocoe, City Attorney Jim Dye, Building Official Bob Welch, City Planner Alan Garrett, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander

1. Farm City Proclamation – November 14 – 19, 2011.

Mayor Selby read the proclamation designating November 14 – 19, 2011 as “*Farm City Week.*” Mayor Selby presented the Proclamation to Mr. Ed Flowers.



Ed Flowers thanked the Mayor and Commission for their recognition. A schedule of events followed.

2. Continued Public Hearing Ordinance 11-719 – LDR Amendments.

Planner Garrett read the Ordinance by title.



Planner Garrett reviewed the Ordinance changes. The following portions of the proposed Ordinance were discussed:

- Discussion relating to the maximum width of driveways.
- External neon signs discussed. After discussion, it was agreed to add “exterior” so as to limit neon signs to the interior of the building only.
- *City Attorney Dye* commented on Section Eight (2) – Billboards or other signs exceeding 16 square feet of sign are prohibited except when approved by the City Commission for a public/semi-public or historic site. He felt standards should be established – examples followed.


Vice-Chair Mattick used the new sign to be placed at the City Pier as an example.

Commissioner Woodland asked what the City wanted to see regulated.

Commissioner Aubry felt the City should discourage signs versus encouraging them.

City Attorney Dye noted the proposed Ordinance regulates private - mostly commercial - signs. He suggested the Commission should only approve regulations that can be backed up. He pointed out there may be signs that have never received permits.

After discussion, it was agreed that the language would be amended to read:

“(2) Billboards or other signs exceeding 16 square feet of area of sign are prohibited *except for signs existing or permitted prior to October 15, 2011.*” 

- *Commissioner Quam* questioned if signs relating to religious content should be allowed.


City Attorney Dye advised against regulating on the content. 


- Lengthy discussion followed relating to the width of driveways.

Commissioner Quam spoke about prohibiting concrete. *City Planner Garrett* suggested limiting the types of surface under the definition of driveway. *Commissioner Woodland* suggested holding off until standards are developed as far as pervious and impervious coverage.


Mayor Selby asked if a driveway maintenance agreement should really be required.

Planner Garrett informed that the language was recommended by P&Z Boardmember Wilson. Explanation followed.

City Attorney Dye did not feel a driveway maintenance agreement would save the City from any liability and it was noted that the City has the obligation to take care of anything in the right-of-way. 

Commissioner Aubry suggested adding a clause that obligates the property owner to maintain a level driveway connection. 

Building Official Welch suggested removing the new language from the proposed Ordinance to allow staff additional time for review.

- Section Fifteen (5) - remove redundant "shall not exceed a height". 
- *Building Official Welch* clarified relating to masonry fences. He acknowledged that the masonry wall at 801 N. Shore Dr. was prohibited.

Vice-Chair Mattick opened the Public Hearing.

Hearing no public comment, Vice-Chair Mattick closed the Public Hearing.



Motion: Approve adoption of Ordinance 11-719 as amended.

Action: Approve, Moved by Commissioner Woodland, Seconded by Commissioner Quam. 

Vote: Motion carried by unanimous roll call vote (summary: Yes = 4).

Yes: Commissioner Aubry, Commissioner Quam, Commissioner Woodland, Vice-Chair Mattick.

**3. Public Hearing and Second Reading Ordinance 11-726 – Luana Isles-Easement Vacation
---113 Gull Drive.**

---Property Owners – David A. and Cheryl Fitz

Planner Garrett read the Ordinance by title.



Planner Garrett presented the Vacation request asking that a portion of the 10-ft front-yard and rear-yard easement be vacated. The P&Z Board recommended that a 7-ft easement be approved. Explanation followed. A 7-ft easement has also been approved by Public Works Director McKay.

Vice-Chair Mattick opened the Public Hearing.

Hearing no public comment, Vice-Chair Mattick closed the Public Hearing.



Motion: Moved to adopt Ordinance 11-726 recommending the approval with a 3-ft vacation of the 10-ft side and rear-yard easements leaving a 7-ft side and rear-yard easement.

Action: Approve, Moved by Commissioner Quam, Seconded by Commissioner Woodland.



Vote: Motion carried by unanimous roll call vote (summary: Yes = 4).

Yes: Commissioner Aubry, Commissioner Quam, Commissioner Woodland, Vice-Chair Mattick.

4. Special Use Permit-Beer & Wine for the Village Café at Rosedale – 503 Pine Avenue.



Planner Garrett presented the request noting that the Applicant has provided documentation they would become a full restaurant serving full meals. All other State required documents, etc. have been provided.





Mike Effert representing Applicant *Brian Seymour* addressed the Commission requesting the Special Use Permit for the selling of Beer & Wine. Mr. Effert informed that the café currently only serves breakfast and lunch. However, they will begin serving full dinner meals as well.



Vice-Chair Mattick felt the request met all requirements. She then questioned the required annual renewal fee.

Planner Garrett acknowledged that the Code allows for an annual renewal fee; however, he was not sure a fee has ever been collected.

 *Vice-Chair Mattick* opened the public comments portion of the Public Hearing. 

Public Comment

Micheal Coleman, 515 Pine Ave, encouraged approval of the Special Use Permit.
Hearing no further public comment, Vice-Chair Mattick closed the Public Hearing.

 **Motion: Moved to recommend approval of Special Use Permit for beer and wine sales at 503 Pine Ave.**



Action: Approve, Moved by Commissioner Woodland, Seconded by Commissioner Aubry. 

Vote: Motion carried by unanimous roll call vote (summary: Yes = 4).

Yes: Commissioner Aubry, Commissioner Quam, Commissioner Woodland, Vice-Chair Mattick.

Vice-Chair Mattick asked that the mentioned Permit Renewal Fee be discussed in the future.

5. First Reading Ordinance 11-723 - Chapter 74 – Various Amendments to Building Regulations.

 *Finance Director Percycoc* read the Ordinance by title. 


Commissioner Woodland asked for clarification relating to Sec. 74-3 3. A. “No pool or pool deck may be elevated more than eight (8) inches above the grade existing prior to the construction of the pool.”


Building Official Welch explained it is stormwater related. Detailed explanation and examples followed.

Commissioner Woodland provided examples and suggestions. He suggested requiring a retaining wall and not to allow any grading that would cause the flooding situations.




Commissioner Aubry suggested implementing a policy that no permit would be issued unless complete sets of drawings with elevations are submitted. He provided the example of all the recent Pine Ave. Site Plans.


 *Building Official Welch* then reviewed the proposed requirements that need to be indicated on the Residential Site Plans. Explanation followed. He noted that the maximum amount of fill that can go on a property to raise a property up 8-inches above the crown of the road is 24-inches.

 *Commissioner Woodland* recommended requiring a drainage plan.

Lengthy discussion followed.

 *Commissioner Quam* commented relating to the proposed 24-inch fill. *Building Official Welch* noted that the section was being removed. Explanation followed.

Building Official Welch will rework that section of the proposed Ordinance.

 *Commissioner Woodland* pointed out under the Definitions that “*Habitual space*” should be changed to *Habitable space*”. He further stated he did not want to duly burden a person trying to upgrade their homes.



Commissioner Aubry felt all building should be completed properly. He stated it was not difficult for the surveyor to include the elevations on Plans.

Building Official Welch noted that elevations were also needed on the adjacent properties.



Noting there are a number of structures that have been purchased and will remain vacant, *Mayor Selby* voiced concern about “*Unsafe building/structure*”.

In response, *Building Official Welch* referred to Article IV – Unsafe buildings or systems. He then reviewed the procedures that will allow for Due Process and the lien process to be pursued on a property.

Discussion followed relating to scheduling the Ordinance for 2nd Reading.

Public Comment



Margaret Jenkins, Chilson Ave. addressed the Commission relating to the flooding on Chilson. She provided the example of her neighbor’s recent flooding. As a result, Ms. Jenkins suggested a clause be added that would prohibit causing harm to other properties and property owners. She then discussed the 24-inch fill allowed by Code.

Building Official Welch provided an update relating to the Chilson Ave. situation. He acknowledged that a Notice of Violation will be issued once it can be proved by the City’s Engineer that post-development run-off exceeds pre-development run-off on the property.

Commissioner Aubry felt the City has an obligation to see that a property owner’s stormwater does not affect another property owner.

6. Set October, November, and December City Commission Meetings.



Finance Director Percyoe announced that the only day available when all Commissioners’ would be in attendance will be October 31, 2011.

Discussion followed relating to the items that would be placed on the October meeting Agenda.

Grants Enhancement Committee



Commissioner Mattick spoke relating to the need for Grants Enhancement Committee meetings for determining the use and guidelines for the 6 lots prior to any grant application. *Mayor Selby* asked for clarification.



Commissioner Woodland stated he was opposed to a Grants Enhancement Committee. He said he did not want any grant awards where any entity determines how the property will be used. He felt the ultimate decision should be made by the City Commission.



Commissioner Mattick responded by explaining how the Committee could assist.



Commissioner Quam felt it was premature to talk about grants and that the Commission should first determine what the use will be.



Public Works Director McKay stated he needs to know if the Commission still wants the 6 lot property used for Special Events such as Bayfest.

Commissioner Aubry recommended that the 6-lot property be utilized as open space and a fee is collected for its use.

ACTION: It was agreed that the issue would be placed on the next Commission Agenda to discuss the use, fees, etc. for the newly purchased 6 lots at Pine Ave. and N. Bay Blvd.



ACTION:

OCTOER - It was consensus that the October 8 Work Session and October 22 Regular Commission Meeting is cancelled and that a Regular meeting will be rescheduled for Monday, October 31, 2011 – 6:00 p.m.

NOVEMBER - A Special Meeting will be held on Wednesday, November 3, 2011 – 6:00 p.m. regarding the Comp Plan Amendment.

City Commission Swearing-in Ceremony to be held on Thursday, November 17, 2011 – 5:30 p.m. with the Organizational Meeting and Regular City Commission Meeting to follow at 6:00 p.m.

DECEMBER - City Commission Regular Meeting – Thursday, December 15, 2011 – 6:00 p.m.

7. **Mayor's Report**

Purchase of 6 Lots at Pine Ave. and N. Bay Blvd.

Mayor Selby announced that the property closing was held earlier that afternoon on the 6 lots. (Official records book 2392, page 6700)

Introduction of New EEEC Appointee Billy Malfese

Mayor Selby introduced Billy Malfese who he has recommended (see Consent Agenda) to serve on the EEEC.

8. **City Commission Reports**

Great American Cleanup

Commissioner Woodland announced that the Great American Cleanup - Bayfront Park will be held on October 1, 2011 beginning at 8:00 a.m. He invited everyone to participate.

9. **CONSENT AGENDA:** The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.

- a. Approve Minutes - CC Reg. Mtg. 8-25-11
- b. Mayor's Appointment of EEEC Committee Members: Jane Coleman; William Malfese (Term 1/13)
- c. Approve Sheriff Contract and County Service Agreement
- d. Proclamation-Constitution Week Sept. 17th-22nd

Commissioner Woodland asked to pull items b., c., and d. from the Consent Agenda and discussed separately.

Motion: Moved to approve Consent Agenda item a. – Minutes.

Action: Approve, Moved by Commissioner Woodland, Seconded by Commissioner Quam.

Motion passed unanimously.

b. Mayor's Appointment EEEC Committee Members: Jane Coleman; William Malfese (Terms expiring January 2013)

Commissioner Woodland pointed out that Jane Coleman listed her occupation as "Domestic Goddess".

c. Approve Sheriff Contract and County Service Agreement.

Commissioner Woodland asked that the Manatee County Chair be corrected to indicate Carol Whitmore.

d. Proclamation Week – Sept 17 – 22, 2011.

At the request of Commissioner Woodland, *Mayor Selby* read the Proclamation that designates the week of September 17 - 22, 2011 as "Constitution Week."

Motion: Moved to Approve Consent Agenda items b, c, and d.

Action: Approve, Moved by Commissioner Quam, Seconded by Commissioner Woodland.

Motion passed unanimously.

10. Reports and Updates:

- a. Sheriff's Report (Written)
- b. Building Department Report (Written)
- c. Public Works' Department Report (Written)
- d. Code Enforcement Report (Written)
- e. City Pier Report (Written)
- f. Ordinance Update (Written)
- g. Financial Report/Line of Credit Report (Written)

Public Comment -Press Comment – None.

Adjournment

Motion: Moved to Adjourn at 8:12 p.m.

Action: Adjourn, Moved by Commissioner Quam, Seconded by Commissioner Woodland.

Motion passed unanimously.



Alice Baird, CMC, City Clerk

Minutes Approved: _____

10-31-11