

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, OCTOBER 25, 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: Commissioner Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Tollette, Commissioner Duke Miller, and Mayor Fran Barford.

Staff present: City Clerk Alice Baird, City Attorney Jim Dye, Consultant Tony Arrant, Minutes Clerk Stacey Johnston, and Court Reporter Renee Guteirrez.

Press present: Sun and Island.

1. CONSENT AGENDA

- a. **Minutes – Special Commission Mtg – October 11, 2007**
 - Special Commission Mtg – October 18, 2007 – 4 pm
 - Special Commission Mtg / Comp Plan – October 18, 2007 – 5 pm
- b. **Special Event – Sandbar Weddings:**
November 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, and 25, 2007.
- c. **Approve Email & Internet Policy**
- d. **Approve Proclamation: “Lights out After School”**
 - a. **Oak & Tarpon Inspections by Bill Snow – CIAC (\$200 per day to be donated to AMICCC)**
 - b. **Special Event: Ginny & Jane E’s Flea Market – November 25, 2007 – 8 am – 4 pm**
 - c. **Special Event: Anna Maria Community Center Grand Opening – November 10, 2007 – 11 am – 2 pm**

Commissioner Woodland asked that item #c be pulled from the Consent Agenda and considered separately.

MOTION: Commissioner Woodland moved to approve Consent Agenda items a., b., d., e., f., and g. Commissioner Tollette seconded the motion.
Motion carried – All Aye.

c. Approve Email & Internet Policy

Commissioner Woodland asked if the e-mail correspondence would have an electronic read file similar to that of the paper correspondence read file. *City Clerk Baird* stated she would research his request.

MOTION: Commissioner Miller moved to approve Consent Agenda item c. Commissioner Tollette seconded the motion.
Motion carried – All Aye.

Ginny & Jane E's Flea Market – November 25, 2007

Mayor Barford informed that Ginny & Jane E's have requested to hold additional Flea Markets six months out. After making sure the November 25, 2007 Flea Market works out, the remaining requests will be brought before the Commission all at one time.

Proclamation – “Lights Out After School”

Mayor Barford read and presented a proclamation declaring “Lights Out After School” on October 18, 2007 to the Director of the Before and After School Program.

2. REPORTS AND UPDATES.**a. Commissioners -**

Commissioner Tollette gave a report based on her attendance at the October 10, 2007 Community Center Board meeting. As part of the report she announced that the “Affair to Remember” event has been scheduled for February 23, 2008 and will be held at the Community Center. The Community Center is also looking for a volunteer to serve as a part-time Receptionist.

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. Mayor's Report.****Tom Turner's Birthday Recognition**

Mayor Barford recognized Tom Turner on his 84th birthday. Those in attendance joined in singing Happy Birthday to Mr. Turner.

Citizen of the Year Award

Mayor Barford announced that a recognition ceremony was held just prior to the Commission Meeting for Bubba and Martha Stewart who were selected to receive this year's Anna Maria's Citizen of the Year Award.

Manatee Avenue Bridge Closure

Mayor Barford reported on the various meetings that have been held relating to the proposed 75-day Manatee Ave. bridge closure next spring. She acknowledged that the bridge was in need of repair but felt that Anna Maria would be most affected by a total closure of the bridge. Additional meetings will be held with FDOT in an effort to work out a compromise.

Fireworks Taskforce

Mayor Barford informed that a meeting of the Fireworks Taskforce would be held the following Monday.

Bradenton Beach Pier Dedication

Mayor Barford encouraged each Commissioner to attend the Friday, October 26, 2007 Bradenton Beach Pier dedication.

3. Second Reading and Public Hearing of Ordinance No. 07-682, Adopting the Amended Comprehensive Plan.

City Clerk Baird read the Ordinance by title.

Consultant Tony Arrant informed he was unable to meet with DCA since the previous week's Comprehensive Plan Public Hearing. He recommended that no official action be taken on the Comp Plan that evening until he had an opportunity to formally meet with DCA. He further recommended continuing the Public Hearing to a date and time certain.

Mr. Arrant explained the evaluation process required by the DCA and State Statute relating to consideration of any items outside of the ORC report and scope of objections. He suggested that if the Commission agreed to make any additional changes to the Comp Plan they should instruct staff to make the changes and then make the document available to the public. An additional Public Hearing would be required if any changes were made to the document.

Mr. Arrant informed that any changes to the Comp Plan that the DCA had not reviewed yet would open the case back up for DCA's approval or rejection and non-compliance. If found to be in non-compliance, DCA issues a Statement of Intent and by Statute are required to file an administrative lawsuit for a hearing. Noting there were issues brought up at the last Public Hearing that the Commission still wanted to review, Mr. Arrant recommended that the Commission proceed by what they felt was best for the City.

Commission discussion followed as to whether to take public comment that evening, review the issues brought up at the previous meeting, or continue the Public Hearing until a later date. After discussion, it was agreed that no official action would be taken that evening, however, public comment would be taken from any person who could not attend the next Public Hearing or had new information to submit for the record. Some of the unsolved Commission issues would also be discussed.

Unsure if Mr. Arrant would have the opportunity to meet with DCA prior to the November Commission Meeting it was agreed that he would present a report at the Thursday, November 15, 2007 meeting to begin at 6:00 p.m. If the Public Hearing would need to be further continued additional action would be taken at that meeting.

Public Hearing

Chair Quam officially opened the Public Hearing.

- a. ***Michael Coleman***, 311 Pine Ave., asked that the Commission consider rezoning the six lots on N. Bay Blvd. from Commercial to ROR to allow for one continued look and feel with the proposed Pine Restoration project. He informed he had

met with Planner Garrett who explained that a developer's agreement could be entered into to insure that the look on those six lots would be consistent with the Pine Restoration project.

- b. **Liane Bennati**, 114 Palmetto, read a letter (letter and additional information attached and made part of the official record) in support of leaving 116 and 118 Palmetto Ave. and 9702 Gulf Dr., in the Residential-zoning category.
- c. **Sandy Mattick**, 307 Pine Ave., stated she was in favor of rezoning the six lots on N. Bay Blvd. from Commercial to ROR.

Ms. Mattick asked if it was State Law that the density could not be increased in a Coastal High Hazard Area.

Mr. Arrant informed that it was required by Statute.

- d. **Attorney Jeremy Anderson**, Lobeck & Hanson, addressed the Commission on behalf of his clients Mr. and Mrs. Nally of 110 Spring. Attorney Anderson informed he did not represent Mr. and Mrs. White.

In answer to Attorney Anderson's request for clarification as to if either the Nally's or White's home were destroyed by a hurricane, by fire, or an explosion could they rebuild under the new Comp Plan, *Mr. Arrant* informed they could.

Attorney Anderson pointed out that the language states "if destroyed by natural disaster" and suggested that the definition of "natural disaster" be included in the Plan. He suggested that "natural disaster" be defined to include a fire, explosion, etc.

Mr. Arrant acknowledged that Attorney Anderson's client would have the ability to rebuild as long as their home was not voluntarily removed.

- e. **John Cagnini**, property owner of 9007 Gulf Drive, said he was in favor of the proposed Pine Restoration project and supported the ROR designation for the six parcels on N. Bay Blvd. He supports the return of the architectural flavor of Old Florida and felt it should be continued through on the six lots.
- f. **Michael Coleman** readdressed the Commission and confirmed that if the lots were rezoned they would have the consistent Old Florida look the same as Pine Ave.
- g. **Linda Cramer**, 9702 Gulf, said she supports the rezoning of the six lots on N. Bay Blvd. from Commercial to ROR.
- h. Ten year old **Joely Hernandez**, 305 Crescent Dr., read a prepared statement (attached and made part of the official record) in support of Linda Cramer's property at 9702 Gulf Dr., along with the properties located at 116 and 118 Palmetto Ave. being rezoned to ROR. Pointing out that the business district and Commercial zoning surround the properties, Ms. Hernandez presented hand

drawn pictures of the surrounding businesses adjacent to the properties stating it was clear to her that the business district started on Pine Ave.

Commission Discussion

Discussion regarding the rezoning of six lots on Pine Ave

Mr. Arrant informed that if the Commission chooses to change the zoning of the six lots to ROR they could do so but would need to determine why and how their decision was determined. He stated that a developer's agreement could be entered into in order to assure the architecture on those lots would be consistent with the Pine Restoration project.

Commissioner Mattick spoke in favor of changing the lots to ROR, feeling ROR would be more compatible with Pine Ave. as a whole.

In response to *Commissioner Tollette's* question, *Planner Garrett* stated that he agreed that it makes sense to rezone the lots in order to have one consistent zoning district. In order to change the rezoning, the lots would have to go through a rezoning process. Binding stipulations could be placed on the lots at that time.

Commissioner Tollette said based on *Planner's Garrett's* comments, she would also be in favor of changing the lots to ROR.

Commissioner Woodland disagreed feeling the lots should stay as commercial. Though he applauded *Mr. Coleman's* efforts he pointed out that if they were changed to ROR the City would be losing 15% of its commercial area.

Commissioner Woodland felt a good usage for the six lots would be Hotel, Motel or Inn and felt that usage would be better in a Commercial zoning. He pointed out that the ROR zoning also runs down Gulf Dr. He suggested that the lots remain as Commercial and if the Pine Ave. Restoration project moves forward, the lots can always be changed in the future.

Commissioner Mattick agreed that an Inn or Motel would be a good idea.

ACTION: After discussion *Chair Quam* asked for a show of hands of those in favor of changing the zoning of the six lots on Pine Ave. from Commercial to ROR. It was determined that the lots would not be changed to ROR on a straw vote of 2-3 with only *Commissioner's Tollette and Mattick* in favor of the rezoning.

Public Comment

Ernie Moon, 314 Spring, President of the Bayou Condominiums, stated that any structure built on the lots to the 37-foot height limit would block their Condominium view to the Gulf.

Discussion - Attorney Dye's concern relating to language in Comp Plan

City Attorney Dye felt that the definition of "stories" and "floors" in the Comprehensive Plan were inconsistent and needed to be addressed.

He also felt that Policy 1.3.4 and 1.3.5 in the Comprehensive Plan were hard to follow and he discussed gleaning the intent of the two policies.

Discussion between the Commission, City Attorney Dye, Planner Garrett, and Consultant Arrant followed regarding both Policies. Referring to Policy 1.3.5, City Attorney Dye stated he was unsure if the language should be story or floor. Discussion followed relating to the definition of habitable floor.

Policy 1.3.4

ACTION: After lengthy discussion *Chair Quam* asked for a show of hands of those Commissioners in favor of changing the wording in the last two sentences of Policy 1.3.4 to "Residential uses may comprise up to 60% of the land area of the ROR future land use category. Office and retail uses may comprise no more than 100% of the land area of the ROR future land use category."
Each of the five Commissioners was in favor of the change.

Policy 1.3.5

ACTION: After lengthy discussion it was agreed that City Attorney Dye would further review Policy 1.3.5 and bring back his recommendation for the Commission's consideration.

MOTION: Chair Quam moved to continue the Second Reading and Public Hearing of Ordinance No. 07-682 relating to the Amended Comprehensive Plan to the next regular Commission Meeting to be held November 15, 2007, 6:00 p.m. Commissioner Tollette seconded the motion.
Motion carried – All aye.

4. Resolution 07-629 – Request for Final Site Plan Approval @ 303 Pine Ave Property Owners – Robert and Nicky Hunt

City Clerk Baird read the Resolution by title.

Planner Garrett briefed the Commission on the Final Site Plan request for 303 Pine Ave. Mr. and Mrs. Hunt are requesting that the parcel be approved for retail/office and one residential living unit.

Planner Garrett informed that the Site Plan meets the Code requirements and is consistent with existing and surrounding uses. Two stipulations are recommended – 1) Parking spaces # 11 and # 12 shall be signed for residential use only, and 2) Parking Space # 1 shall be lengthened to 25 feet for loading

purposes. In addition, Mr. and Mrs. Hunt are requesting that the City extend the time for the filing of the Building Permit.

MOTION: Commissioner Miller moved to approve the adoption of Resolution 07-629 to include extending the date for filing of a Building Permit until April 1, 2010. Commissioner Tollette seconded the motion.
On Roll Call Vote the motion carried unanimously.

PUBLIC & PRESS COMMENT - None

ADJOURNMENT

On motion made by Chair Quam and seconded by Commissioner Miller, the meeting was adjourned at 9:11 p.m. Motion carried unanimously.

The Commission Swearing-In Ceremony is scheduled for Thursday, November 15, 2007, 5:30 p.m. The next regular combined Commission Meeting/Work Session is scheduled for Thursday, November 15, 2007, 6:00 p.m.

Alice Baird, CMC, City Clerk

Minutes approved: _____