

**CITY OF ANNA MARIA  
COMMISSION WORK SESSION  
OCTOBER 12, 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:** Rose Quin-Barr (Waste Management, Inc.); David Smith (Waste Management, Inc.); City Planner Alan Garrett, AICP; Public Works Director George McKay, City Attorney Jim Dye, City Clerk Alice Baird

**Press:** Sun, Islander (7:04 p.m. – 8:45 p.m.)

**1. Discussion on the New Contract for Waste Management.**

Commissioner John Quam noted that the City's contract with Waste Management, Inc. would be due for renewal in March 2007. He introduced David Smith of Waste Management, Inc., who explained that he had come before the Commission at this evening's meeting to review the proposal he and Rose Quinn-Barr had first presented to the City of Anna Maria Commission approximately eighteen months ago. Ms. Quinn Barr distributed pamphlets to those present detailing the advantages of automated service and mobile carts.

Mr. Smith noted that there were three sizes of cans available with the new system: 35-gallon, 64-gallon, and 96-gallon. He noted that the City of Holmes Beach chose the 64-gallon size as their standard, adding that individual residents may also request the size they prefer.

Commissioner Quam asked if a resident could choose a different size after trying one size out and determining that another container size would be more suitable for their needs. David Smith responded that some changes could be accommodated, however, since the containers cost \$70 each, Waste Management, Inc. did not intend to keep a large inventory.

In response to a question from Commissioner Christine Tollette as to whether residents would be charged for the containers, Mr. Smith said that the contract Waste Management, Inc. planned to propose to the City of Anna Maria was essentially the same as that which the waste collection and disposal firm currently had in place with the City of Holmes Beach. He indicated that the service as a whole would cost residents approximately \$1 more per month than they are currently paying. David Smith explained that Waste Management, Inc. owns and

maintains the trash containers, and would replace them if they are broken or damaged.

David Smith informed Commissioner Miller that a 96-gallon container typically holds the same amount as four normal trashcans. He noted that they had been testing this size at beach accesses and had with a great deal of success.

In response to Commissioner Cramer's inquiry about rear door pick-up, David Smith said that trash would be picked up at the same location on the lot as it is currently.

Commissioner Dale Woodland noted that duplex residents who occupy a dwelling as a one-family unit are charged twice as much as single-family houses are. He recalled that these residents had complained at the last Work Session with Waste Management, Inc. that this was unfair. The Commissioner recalled also that one property owner, who has duplexes in the city that are situated on standard-sized lots, had voiced his objection to being charged double for pick-up of yard waste. David Smith indicated that such cases would need to be looked at separately and were outside the scope of this evening's discussion.

Commissioner John Quam asked what would be done for people who only produce small amounts of trash, and those who would have difficulty handling even a 35-gallon container. David Smith said that Waste Management, Inc. would still pick up loose bags if necessary, but stated that his firm strongly recommends that the cans be used. He noted that the containers keep animals from spreading trash, and also reduce odor.

Mr. Smith noted that the new system is currently being piloted in Sarasota and Manatee counties, with very good overall results.

Mayor SueLynn confirmed that the containers were intended for household waste, not yard waste.

Commissioner Tollette asked how residents could make their container size preferences known to Waste Management, Inc., and David Smith requested that all requests be made in writing and mailed.

City Attorney Jim Dye asked if Waste Management, Inc. had asked other municipalities or local governments to mandate the new cans by ordinance, or if this was simply their new corporate rule. Regional Manager Rose Quin-Barr indicated that the new containers are not mandatory, but simply the trend nationwide, and said she did not think an ordinance would be needed. Ms. Quin-Barr noted, that large items that the new collection vehicle's single operator is unable pick up, would be picked up by a separate truck, dispatched by radio by the regular collection driver.

Mr. Smith noted that the one-man collection truck had been operating on the Island for approximately three weeks to ensure that the vehicle could effectively service this area.

Mayor SueLynn reported that she had spoken with Holmes Beach Mayor Carol Whitmore, who said that the new system had been very well received in her city. Mayor Whitmore indicated that the only difficulty had initially been the choice of container sizes.

Rose Quin-Barr said that her firm had learned a great deal from implementing the system in the City of Palmetto.

Commissioner Duke Miller informed those present that he had almost twenty-five years' experience with this collection system in St. Petersburg. He said the larger wheels on the containers make it easier for elderly residents to get them to the curb, and observed that the uniformity and cleanliness of the system make it well worth [the small additional cost]. The Commissioner also noted the convenience of leaving the responsibility for the availability and functionality of the trash containers up to Waste Management, Inc.

Rose Quin-Barr pointed out that ergonomics, for the sanitation collection worker, as well as for the customer, were one of the concerns the new system was developed to address.

#### **Public Comment**

Margaret Jenkins of Chilson Avenue said that she only needed to put the trash out once weekly most of the time, since her household generated relatively little garbage. She objected to the higher charge, even though the proposed increase is small. Ms. Jenkins noted that Waste Management, Inc. would now only need to employ one worker per collection vehicle, and therefore should be able to realize enough of a savings to afford to keep the residential sanitation utility fee at its current level.

Tom Turner of 850 North Shore Drive also questioned the need for any increase in sanitation utility charges. In addition, Mr. Turner reiterated his objection, as a single-family duplex resident, to being charged twice as much for trash pick-up and disposal, when his household burdened the system no more than a household in a single-family home. He indicated that he had voiced his objection to this unfair situation on numerous occasions.

David Smith informed Commissioner Quam that the next step in the contract negotiation process would be for the City Attorney to work with Waste Management, Inc.'s attorney to draft language that the Mayor could then bring back for the Commission's review at another Work Session, along with suggested rate resolutions.

City Attorney Dye informed those present that if the contract were an extension of the franchise, an ordinance would be required. David Smith observed that the City's contract expired on March 31st, 2006, and the City Attorney indicated that this was considered extension of the franchise, and therefore an ordinance would need to be adopted. City Attorney asked for direction from the Commission to begin negotiations with the contractor.

**There was consensus among the Commissioners to authorize the City Attorney to open negotiations with Waste Management, Inc.**

Commissioner Quam thanked Mr. Smith and Ms. Quin-Barr for their presentation at this evening's Work Session, and the Waste Management representatives in turn thanked the Commission and the Mayor for their invitation to address them.

**2. Continued Discussion on the Proposed Daylight Plane Ordinance.**

City Planner Alan Garrett indicated that he was attending this evening's meeting in order to answer questions for the Commissioners.

Commissioner John Quam asked his fellow Commissioners for their opinions on the Ordinance, and their recommendations as to how to proceed.

Commissioner Christine Tollette said, with reference to the photographs she had submitted of existing homes, that she had attempted with this exercise to clarify for her own understanding of what the Ordinance proposed to exclude.

City Planner Garrett explained that the Ordinance is intended to prevent the construction of more two-story residential structures in the city that are designed with vertical walls facing the street and/or neighboring properties. He indicated that airflow and sunlight are obstructed by such structures. The City Planner noted that the Commission had discussed exceptions with regard to certain parcels, such as corner lots, where vertical planes would not contribute to those problems. City Planner Alan Garrett stated that an attempt had been made to allow prospective builders as much creativity in design as possible. He explained that legislation of the daylight plane was necessary in a real estate climate where the goal is to develop every square inch on a lot that is allowed by Code.

Commissioner Christine Tollette recommended refraining from legislating everything a homebuilder must not do. She suggested that instead, the City Building Department could increase public awareness of alternative designs with informative publications, and thus encourage thoughtfulness and creativity in residential design and construction. City Planner Garrett said this approach should be further explored, although he implied that this approach, by itself, could be problematic.

Commissioner Linda Cramer said that she had spoken with local architect Gene Aubry earlier the day of this meeting, and he had expressed the hope that the

Commission would not pass the Daylight Plane Ordinance. Mr. Aubry had indicated to Commissioner Cramer that he did not feel, from a structural engineering point of view, that the results would be positive enough to justify such an ordinance.

Commissioner Duke Miller recalled that when he first was elected to office, he had been discussing the issue of box-like, elevated two-story residential structures being built right up to the setback (also termed 'property massing'). The Commissioner noted that he had worked at length with local architect and contractor Brent Whitehead, who had suggested that the City consider a daylight plane ordinance. Commissioner Miller reported that he had again conversed with Mr. Whitehead the day of this evening's meeting. The contractor had responded to the Commissioner's concern for the rights of prospective builders by noting that barrier island communities typically have many older, one-story homes, and also newer homes designed to preserve light and space for neighboring properties. Mr. Whitehead suggested that the rights of existing residents are at least equally important, and noted also that public health issues were also involved.

Commissioner Dale Woodland said he would not be prepared to make a decision on the issue without additional information. He noted that there appeared to be little support for the ordinance among members of the public, and suggested that the Commission not pursue the adoption of the Ordinance.

Commissioner John Quam recommended that the Commission discontinue discussions on this topic and not have any further meetings addressing it for the time being.

Mayor SueLynn pointed out that if there were fewer one-story homes in the city, a view of the water could be had from the ground by looking through the space created by the elevation of the first floor. She noted that this is not actually the case. The Mayor stated that since older, one-story homes constitute the majority of housing in the city, the rights of their owners could not be ignored.

Mayor SueLynn reported that she had attended a meeting in the past week for Manatee County's Character Compatibility Study. She said that after studying the character of the county overall, the preparers of the study had strongly recommended adopting some architectural standards for houses, particularly on the barrier island. The Mayor said that information she had obtained from the Building Official, regarding homes that were in construction or were soon to be, indicated that daylight plane considerations were not in evidence. Building Official Donohue had reported that the builders were only interested in building as high up and as far out to the setback as allowed.

Mayor SueLynn urged the Commissioners to think about how current trends in construction would affect the future character of the city. She observed that when she first came to the city ten years ago, one could see the water from virtually any location, however, this 'island' ambience had, for the most part, disappeared. The

Mayor stated that she felt the Commission would be making a mistake if it chose not to adopt some form of daylight plane legislation.

Commissioner Woodland thanked the City Planner for the information he had prepared and presented the Commissioners to assist them in formulating a decision.

**Public Comment**

Tom Turner of 850 North Shore Drive recalled that when the issue was initially discussed, he had offered the Commission three sketched examples that allowed daylight and airflow through the 20 ft. wide space created by the 10 ft. side setbacks between houses. He recommended that buildings constructed to a 7 ft. setback be restricted to a maximum height of 27 ft. Mr. Turner expressed the opinion that the public did not want the legislation being proposed.

Laura Gee of 502 South Bay Boulevard introduced herself as an architect who did not support the daylight plane ordinance. She objected to limiting the rights of property owners. Ms. Gee said that structures regulated by the proposed ordinance would be considerably more costly to build, and that it would present a hardship to all property owners, particularly those with 50 ft. wide lots.

**3. Update on Chilson Avenue Drainage Project.**

Mayor SueLynn announced that a resident on Chilson has agreed to allow an easement on his property for use in the construction of stormwater drainage improvements. She said that the property owner has an issue relating to the easement that already exists on the west side of his property. The Mayor indicated that the owner has requested to come before the P&Z Board and the Commission to formally ask for the removal of the existing west side easement, in exchange for putting one easement on the east side of the property.

Commissioner Dale Woodland expressed satisfaction with the Mayor's news, and said that there was no better possible location for the drainage work easement, as it was located at a low point in the problem area, and there are no water pipes there to interfere with construction.

**4. Condo Conversions.**

Commissioner Dale Woodland recalled that he had raised this issue in January of this year. He said that as a result of the conversion of some of the motels to multiple ownership, he had made inquiries, to which City Attorney Dye had given his written response. Commissioner Woodland reviewed the City Attorney's memo, highlighting the issues and remaining questions that he had.

City Attorney Dye explained that hotels and motels are non-conforming uses in the city, and that the regulations state that a property owner could maintain the property for the non-conforming use as long as that use is not expanded. He questioned the

value of having regulations to govern something that is already prohibited. The City Attorney said the only example he could think of that would require regulatory guidance would be a case where a property owner decided to convert part of a non-conforming property's use into a conforming use. He indicated that this could be worthwhile considering, since the ordinance only allowed changes to be made to a non-conforming property if they would bring that property closer to conformity. City Attorney Dye recommended having the City Planner review the issue from a planning perspective.

Commissioner Duke Miller confirmed with the City Attorney that his suggestion would most likely result in the creation of a checklist by the City Planner that would identify areas that require the development of additional definitions or regulations.

Commissioner Dale Woodland clarified his concern in response to an inquiry by Commissioner Tollette as to whether or not there had been any complaints related to the conversion of motel properties. He indicated that he felt it would be reasonable to anticipate that an individual owner of a motel room may wish to maximize the value of that property, and he would like to consider the possible impact on residential neighbors.

Commissioner Tollette said she had difficulty understanding the specific problems or adverse impact that could result from a motel's conversion into a condominium.

Commissioner Miller said he did not see that this was an issue worthy of requiring the City Planner's review. The Commissioner noted that conversion of a motel into condominiums would not increase density or create any nuisances that he could think of.

Commissioner Quam agreed, and said that since there would essentially be no change in non-conforming use, he could not see this as an issue worth pursuing. There was consensus among the Commissioners not to pursue the development of a checklist relative to regulating the conversion of motels into condominiums.

**5. Discussion on City Engineer Contract.**

Mayor SueLynn reported that the City's agreement with Baskerville-Donovan, Inc. (BDI) had expired, and the Commission needed to decide whether or not it would like to renew it. She noted that Tom Wilcox, the person at BDI who was the most knowledgeable about the city, had left to join another firm. The Mayor indicated that BDI had agreed to retain Mr. Wilcox at their own expense to serve Anna Maria until another member on their staff became equally familiar with the city and its engineering needs.

Commissioner Miller asked about the possibility of retaining Tom Wilcox's new firm. The Mayor responded that HDR, Inc. specialized in large, multi-million

dollar projects. Mayor SueLynn recommended staying as much as possible with one firm to maximize the effectiveness of engineering services to the City.

Commissioner Linda Cramer confirmed with Mayor SueLynn that the City again had the option of issuing an RFP. The Mayor said her present concern was that there were currently several very important projects ongoing, and expressed the desire for continuity.

Commissioner Dale Woodland said that he would feel more comfortable if the City had a contract with Tom Wilcox's new firm, since it appeared that it had confidence in and had expressed a preference for Mr. Wilcox's abilities and services. He asked City Attorney Dye if a bid request (RFP) could be worded in such a way as to guarantee the selection of HDR, Inc. and Mr. Wilcox in particular.

The City Attorney explained that by Statute, the RFP process is not allowed to include any prejudice or specification for the use of a particular supplier. He indicated, however, that the City could word its request as specifically as it wishes with reference to its own needs.

Commissioner Woodland said he was in favor of issuing an RFP, but only if this would not jeopardize current projects.

Mayor SueLynn noted that since Mr. Wilcox was now with HDR, Inc. his services were going to be costing the City \$150 per hour, as opposed to \$115 per hour with BDI, Inc. She informed the Commission that the City is currently committed to a 130-day contract related to the roadwork that is now underway. The Mayor asked the City Attorney if it would be possible to advertise in the legal section of a local publication a request for Letters of Interest relative to specific projects, and indicated that she had been told that this action could shorten the RFP process.

City Attorney Dye said he would like to review the Statute to determine whether or not the City could renew its contract with BDI, Inc. without going through the RFP process.

Commissioner Duke Miller noted that a great deal of work had been devoted to the projects currently underway, and that the City was breaking new ground in this regard. He strongly recommended that the City do everything possible to stay with BDI, Inc.

Commissioner Quam said that he would like to have more information relative to advertising for Letters of Interest in an effort to retain HDR, Inc. and Tom Wilcox's services to deal with the projects involving the SWFWMD grant. Mayor SueLynn agreed that Mr. Wilcox would need to be an integral part of the grant projects, but noted that the design work and other aspects of the projects still remained with BDI.

Commissioner Cramer expressed a preference for staying with BDI, Inc.

Mayor SueLynn said that she felt that it was in the City's best interests to remain with BDI but to retain Tom Wilcox for the SWFWMD projects.

**There was consensus to proceed with negotiating the extension of BDI's contract.**

**Public Comment**

None offered.

**Press Comment**

A reporter for The Sun confirmed with City Attorney Dye that there was no problem involved with extending a contract that had lapsed.

City Attorney Dye updated the Commission relative to the Villa Rosa property. He explained that a reporter for The Islander had brought to the Mayor's attention an article that indicated that representatives of the bankrupt GSR corporation intended to sell its lots by auction. City Attorney Dye said he had responded by sending a letter to the attorney for GSR, as well as the attorney for their creditors, informing them that the lots had never been platted, therefore no legally recognized lots existed that could be put up for sale. The City Attorney said that the GSR attorney had requested a meeting with the Mayor, the Building Official, engineers, and himself to review the several items that needed to be satisfied before the plat could be recorded. City Attorney Dye further reported that GSR had hired a workout specialist, and noted that this person would most likely be the individual responsible for making the business decisions regarding the wind-down of GSR.

Commissioner Miller asked how permits could be pulled for building homes when the lots they were on were not platted. City Attorney Dye responded that a large platted parcel existed before the permits were issued, and the land could legally be built upon. He indicated that he was not certain whether this was basis for permission, or whether the permits were applied for under the model home exemption.

Mayor SueLynn reported that she had received a fax from GSR's representatives on Monday the week of this meeting that acknowledged that same day as the deadline for clean-up of their site, and promised that the work would be performed and completed the weekend following this evening's meeting. The Mayor informed the Commission that she would authorize the Public Works Director to assemble a crew and perform the work, billable to GSR, if the site is not clear by the start of business Monday.

**6. Update on Work Being Done at City Pier and Overall Condition of Pier.**

Commissioner Christine Tollette expressed regret that the report she had planned to present was unavailable. Public Works Director George McKay confirmed to Commissioner Tollette that he updated the Mayor on matters concerning the City

Pier on a monthly basis. He advised her that on May 5<sup>th</sup>, 2006, he had received an upgrade report from the inspector that the City had hired to assess the Pier's condition. The Public Works Director reported that the City Pier had been found, overall, to be structurally sound, with only a few holes in some pilings, which were readily correctable.

Commissioner Tollette inquired as to the status of the bathroom remodeling. Public Works Director McKay responded that the facilities were now ADA compliant, however cosmetic work remained to be done prior to formal inspection.

Commissioner Christine Tollette noted that some of the boards on the walkway were in an extremely poor and hazardous condition. The Public Works Director indicated that this had been an ongoing and troublesome problem throughout tenancies, noting also that the tenant was required to perform 50% of the work. Discussion followed regarding whether or not the lessee was actually performing his agreed upon portion of the work. Commissioner Tollette asserted that as it appeared that the lessee's portion, required in the lease contract, was not being done, it would be reasonable for the City to consider renegotiating the lease. Public Works Director McKay informed her that he personally had, on many occasions, reached agreement with the lessee and submitted written confirmation, only to find that the agreement had been broken.

Commissioner Linda Cramer received confirmation from the Public Works Director that the ADA compliant access ramp to the Pier had been 'being addressed' by the lessee for at least five years. With reference to the May 2006 underwater inspection, the Commissioner expressed surprise that there had been no pilings identified for replacement, since a report had been received by the Commission over a year ago that graphically explained a recommendation for replacement of pilings.

Public Works Director George McKay recalled that there had been discussion among the Commissioners about the cost of piling replacement, and that this had been tentatively budgeted for \$25,000 to \$30,000.

Commissioner John Quam recommended that the Commission receive copies of the monthly Pier inspection reports for the purpose of monitoring the situation.

Mayor SueLynn observed that the ADA ramp had often been the topic of discussion. She said the problem always was one of finances. The Mayor noted that an entire section of the Pier needed to be re-done.

Mayor SueLynn recalled that Jim Taylor had identified four pilings on the Pier that needed to be replaced, and that a specialist had been hired by the City to investigate further. Public Works Director McKay confirmed that there had been a discrepancy between the two findings, with the certified specialist reporting that just two particular pilings were 'wormy' and required repair.

Commissioner Christine Tollette recommended that the dumpster area become part of the lease. The Public Works Director agreed that this area, as well as the ramp and the parking area needed to be addressed.

**7. Obtain Consensus to Have Standardization of Setback Requirements in the ROR District Reviewed and Move Request on to the P&Z Board or Directly to the City Planner.**

Commissioner John Quam referred to a table contained in the document on ROR regulation distributed in this evening's meeting packet, and indicated that the proposal was to standardize ROR setbacks to be the same as those for the R-1 district.

City Planner Alan Garrett reiterated his recommendation for the City to work toward the uniformity of setback regulations.

**Commissioner Quam asked for and received consensus for the Mayor to authorize City Planner Alan Garrett to develop recommendations for standardizing setback regulations in the ROR district for the Commission's consideration.**

Commissioner Dale Woodland asked for the City Planner to address front yard, as well as side yard setbacks.

City Attorney Jim Dye pointed out that the owners of the non-conforming ROR lots that were previously the old marina property had taken advantage of a section in the Code which said that non-conforming ROR lots could use the R-1 standard on any existing platted lot in the city. He noted another peculiarity pertaining to those lots was that the rear lot line was platted out into Lake LaVista. The City Attorney explained that the Code is worded such that the setback line is measured from the lot line, even if that line is located out 15 ft. into the water. City Attorney Dye observed that all the ROR lots on Pine Avenue are non-conforming in that they are 5,000 sq. ft. in area.

**Public Comment**

Tom Turner of 850 North Shore Drive said he thought the setbacks in the ROR district should be 10 ft. instead of 7 ft., unless the property owner plans to build a single story structure less than 27 ft. high.

**8. Review Proposed Job Description Revisions.**

Mayor SueLynn recalled that upon taking office, she had made a commitment to revising the City staff job descriptions before leaving office. She noted that the major change in the descriptions related to the Deputy City Clerk, to whose job description the title of Financial Officer had now been added. The Mayor indicated that the duties and responsibilities that have been assumed to merit that title call for

a raise in salary by the amount of \$5,000. Mayor SueLynn suggested that the funding for this increase could be drawn from the budget Line Item for Staff Overtime. She noted that the Deputy City Clerk worked over \$5,000 of overtime yearly.

Commissioner John Quam thanked the Mayor for the work she had done to revise the job descriptions, and noted also that the new Mayor may wish to make changes. Mayor SueLynn indicated that she had brought this work to the Work Session this evening in order to have it placed on the October Regular Commission Meeting agenda.

**Discussion followed, during which the consensus was reached for the Commission to address this topic again with the new mayor.**

**9. Old Business / New Business Items.**

Commissioner John Quam announced that on October 19<sup>th</sup>, 2006, at 6:30 p.m., a Special Meeting had been scheduled to address Code Enforcement issues. He indicated that the Regular Meeting of the Commission would follow at 7:00 p.m.

Commissioner Dale Woodland requested that the City waive the fee it charges for putting banners on light poles, which usually totals \$150, for Bayfest this year. He said alternatively, he would like to request that this amount be donated by the organizers of Bayfest to the Pete Lannens fund. The Commissioner voiced the desire to see the City of Anna Maria also make a donation to the fund. He also suggested that the Commissioners consider making a personal donation.

**There was consensus among the Commissioners to make their own personal donations to the Pete Lannens fund.**

**PUBLIC COMMENT**

None offered.

**PRESS COMMENT**

None offered.

**ADJOURNMENT**

**MOTION: Commissioner Linda Cramer moved to adjourn the meeting, seconded by Commissioner John Quam.**

**Vote: All Ayes. Motion carried.**

Chair Quam adjourned the meeting at 9:06 p.m.