

**CITY OF ANNA MARIA
REGULAR COMMISSION MEETING
NOVEMBER 16, 2006
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner JoAnn¹ Mattick, Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Christine Tollette, Commissioner Duke Miller

Also present: Building Official Kevin Donohue, Public Works Director George McKay, City Attorney Jim Dye, City Clerk Alice Baird

Press: Sun, Islander

1. CONSENT AGENDA

- a. **Minutes: Special Commission Meeting 10/19/06 6:30 p.m.; City Commission Meeting 10/19/06 7:00 p.m.**
- b. **Re-Appoint Chuck White & William Snow to Capital Improvement Advisory Committee (Term to 1/09)**
- c. **Special Event – Community Center Concrete Pad Pour 11/22/06. Start one hour early at 6:00 a.m. to 7:00 p.m.**

MOTION: Commissioner John Quam moved to approve the Consent Agenda, with the exception of the Commission Meeting Minutes of October 19th, 2006 at 7:00 p.m., seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

Commissioner John Quam referred to Page 4, Item 3 in the Regular Commission Meeting Minutes of October 19th, 2006, and noted that the City Attorney was communicating that another First Reading would be required, not a Second Reading, as written.

MOTION: Commissioner John Quam moved to approve the Regular Commission Meeting Minutes of October 19th, 2006, as amended, seconded by Commissioner Christine Tollette.

Vote: All Ayes. Motion carried.

2. REPORTS AND UPDATES

- a. Deputy Commission Chair Christine Tollette reported that the Anna Maria Island Community Center held its groundbreaking ceremony earlier the day of this evening's meeting. She noted that the ceremony was well attended, and that the project was moving along quickly.

¹ Commission Mattick's first name had been spelled incorrectly throughout the document.

- a. **Presentation to Outgoing Deputy Commission Chair Linda Cramer**
Chair John Quam invited former Deputy Commission Chair Linda Cramer to the podium. He thanked her, on behalf of the Commission and the City of Anna Maria, for her dedicated years of service, work, and initiative in many areas important to the City and its residents. Commissioner Quam wished the former commissioner all the best for the future.

Linda Cramer thanked those present and indicated that her years in office had been intense, informative, and enjoyable. She urged the current Commission to move forward with civility and accomplish much. The former commissioner noted that she would be following issues such as the mold issue, the City Pier, and the Walkable Cities program².

- c. **Tribute to Outgoing Mayor SueLynn**
Commission Chair Quam paid tribute to Mayor SueLynn, on behalf of the Commission and the residents of the City of Anna Maria, for her dedicated service to the City for over four years. He noted that she had managed, and also initiated, many more projects than any other mayor in the City's recent history. The Commissioner noted that this tribute was to have been made at the meeting scheduled for November 9th, 2006, which had been cancelled due to the elections.

Commissioner Quam listed some of the major contributions Mayor SueLynn had made:

- o Initiating, writing and implementing policies and procedures that had been lacking
- o Management of design and construction of City Hall remodeling and reproofing projects
- o Resurrection of the Capital Improvements Advisory Committee (CIAC)
- o Initiating the City's Comprehensive Plan Review; engaging the services of specialist Tony Arrant, AICP; appointing the Ad-Hoc Committee and the Planning & Zoning Board as the Local Planning Agency (LPA)
- o Involvement in currently ongoing and future capital improvements programs and their funding through a line of credit.

Chair Quam said that an oak tree would be planted in her honor at the City Historical Society, with a plaque honoring her service from 2002 to 2006. He indicated that the ceremony would take place the day following this evening's meeting, at 2:00 p.m. at the Anna Maria Historical Society grounds. The Commissioner said that a presentation would be made to Mayor SueLynn, wishing her health and happiness in her future endeavors.

² Walkable Cities had been incorrectly referred to in the original version of the Minutes as a 'grant'.

Mayor's Report

Mayor Fran Barford reported that she would be bringing the \$12,000 change order to Florida Highway Products contract to the December Regular Commission Meeting. She indicated that the roof contract was still going through the punch list process with the City Engineer, and therefore would most likely also be on the December meeting agenda.

Mayor Barford acknowledged the mold problem at City Hall, and noted that Public Works Director George McKay had been working on a remediation protocol, and that the City continued to work with the insurance company. She said that she would be keeping the Commission informed on this issue. She expressed her appreciation that the Commission had decided not to sign off on the project.

3. Approve City Engineering Contract – Baskerville-Donovan, Inc. (BDI)

Commissioner John Quam introduced BDI representative John Saputo, who took the floor, who gave a brief background of the contract and his firm. He indicated that BDI was preparing an addendum for the December 14th, 2006 Commission Meeting regarding correcting the rates. City Attorney Jim Dye confirmed that if the contract was adopted at this evening's meeting, the rates that were in effect at this date would remain in effect until a revised contract is brought to the City. He added that it would be appropriate for the revised fees to be brought to the December 14th, 2006 Regular Meeting.

Commissioner Dale Woodland indicated that he would prefer to approve the City Engineer contract at this evening's meeting and adopt the revised fees in December. Commissioner Duke Miller agreed.

Mr. Saputo explained to Commissioner Quam, at his questioning, that his firm had not been in the practice of charging travel time for their staff from BDI, Inc.'s office in Sarasota.

MOTION: Commissioner Duke Miller moved to approve BDI, Inc.'s agreement for renewal of services, with the understanding that amended rates would follow by December 14th, 2006. Commissioner Dale Woodland seconded the motion.

Vote: All Ayes. Motion carried.

Engineer Jim Saputo thanked the Commission for renewing its contract for City Engineer with Baskerville-Donovan, Inc.

4. BDI Updates:

a. Design and Cost Estimate of Chilson and Bayview Potential Stormwater Improvement Projects

Engineer Jim Schotsch (BDI) indicated that costs had been developed for the pipeline from the cul-de-sac on Chilson Avenue to the canal.

Mr. Schotsch said that unfortunately, at Bayview, the engineers did not have an easement to run a pipeline. The City Engineer said that as a mediocre alternative, swales would be provided along the edges of the rights-of-way. He said that the cost for the Bayview project would be approximately \$55,000, to include construction, design and construction engineering inspection service.

Commissioner Dale Woodland suggested the Commission revisit the possibility of obtaining an easement from Jerry³ Slavin on Bayview. City Attorney Dye indicated that the property owner had withdrawn his offer, perhaps after learning of City Attorney Dye's initial recommendations, however, no meeting had yet been held between them relative to other approaches to granting the easement.

Commissioner Christine Tollette indicated that she personally knew the Slavins, and that the issue was that if the pipeline did not work, they would want the pipeline removed. Engineer Jim Schotsch noted that on Bayview, the swales were still full of water, however the cul-de-sac was not.

Commissioner Duke Miller suggested that Mayor Barford and City Attorney Dye meet with the Slavins.

Relative to Chilson Avenue, City Engineer Schotsch indicated that a number of plants would need to be removed from the easement, and that water line would also need to be relocated. He said that the cost of \$55,000 for this project would include construction, design, and engineering construction supervision services, as well as a contingency amount. The Engineer indicated that the neighbors had not been consulted by his firm, and that he was not sure how they felt about removing the obstructions in the easement.

Commissioner Dale Woodland said it was his understanding that the owner of Lot 42 had been willing to move the easement from the west side of his property to the east side. Mr. Schotsch replied that this information needed to be obtained as soon as possible, since Chilson Avenue had not yet been paved, and a location for the catchbasin needed to be determined.

City Attorney Dye said that the old easement (if it was created by plat) would need to be vacated by ordinance and a public hearing. He said that a legal description would need to be created for the new easement, and then a

³ Mr. Slavin had been incorrectly referred to as "Jim" in the original version of the Minutes.

document from the property owner would be sent to the City, creating the easement, most likely simultaneously with the vacation of the old easement.

Public Works Director George McKay said that the property owner at Lot 42 had withdrawn his offer for the easement on the east side of his property. He said the gentleman was now in favor of doing something on the west side, which was already encumbered by vegetation.

City Attorney Jim Dye confirmed to Commissioner Duke Miller that any private improvement in the City's rights-of-way was at risk for removal.

Commissioner Dale Woodland recommended accepting the west side easement and moving ahead, if this was all that was available to the City.

City Attorney Jim Dye recommended that the Commission receive confirmation from the Mayor's office that the easement offer on the east side of Lot 42 had been withdrawn.

MOTION: Commissioner Duke Miller moved to direct the Mayor to determine whether or not the owner of Lot 42 on Chilson Avenue would allow the City to create a new easement on the east side of his property; and if he does not give his permission for this easement, to direct the Mayor to instruct BDI, Inc. to proceed as planned using the western easement. Commissioner Dale Woodland seconded the motion.

Vote: All Ayes. Motion carried.

Public Comment

Margaret Jenkins of Chilson Avenue indicated that she believed that her neighbor had decided not to put his property up for sale, and that this was the reason for his having changed his mind.

At the suggestion of Commissioner Duke Miller, discussion followed relative to using the east side and the replacement of vegetation. Margaret Jenkins noted that the easement in front of 242 Chilson Avenue had no encumbrances on it. Commissioner Christine Tollette recommended that the Mayor be authorized to check into this.

b. Update / Status on Road Improvement Projects

Engineer Jim Schotsch explained that the projects had been divided into three phases, namely, micro-surfacing, full-depth reclamation, and asphalt resurfacing. He indicated that the microsurfacing and full-depth reclamation phases had been completed, aside from a few punch list items. Mr. Schotsch also noted that the full-depth reclamation phase had also involved the construction of swales. The engineer said that the asphalt resurfacing phase was anticipated to begin sometime in November. Jim Schotsch reported that Tom Wilcox, the former BDI engineer who had

initiated these projects, continued to work on them. He said that the conclusion of the projects was anticipated for mid-December.

Commissioner Dale Woodland commented relative to the microsurfacing, that on two of the streets, Hammock and Gladiolus, there were areas where the holes remained deep. Jim Schotsch responded that this was an item on his punch list and that he would be checking into it.

Commissioner Woodland said that at 105 or 103 Los Cedros, depressed areas existed that were five feet long and three feet wide.

Jim Schotsch stated for the benefit of Commissioner JoAnn Mattick that the expected life microsurfaced roads was five years, with only one layer applied.

Commissioner Christine Tollette asked if regular maintenance would prolong the roads, and Jim Schotsch responded that it certainly would. She confirmed that Public Works Director George McKay would be working with Engineer Schotsch on a maintenance list.

Relative to 865 North Shore, Engineer Jim Schotsch acknowledged receipt of information that water was standing over top of the grate in front of this property. He said that water had been reported to have been dribbling out of the flextube check valve, which was considered unusual, since ordinarily the check valve would have blown from the water pressure. The Engineer described tests that he and the Public Works Director had conducted, using a fire hydrant hose. Jim Schotsch said that it was likely that this pipe had been plugged in July of this year, and that he did not think the work that was done on Gladiolus contributed in any way to this problem. He said that remedies, such as lowering the concrete cover over the catch basin. Mr. Schotsch confirmed to Commissioner Tollette that his firm had already been instructed to fix the problems mentioned.

Public Comment

Jim Connolly of North Shore Drive stated that he personally had dug the sand out of the duckbill at 855 North Shore Drive, and said that lowering the grate had only put it deeper into the water. He noted that a very small 8" pipe was available to this area, and that there was not enough head pressure to blow the sand away from the mouth of the pipe. The resident said it was his opinion that the same amount of runoff needed to be dealt with, no matter where the grate was located. He regretted that the City had acquiesced to a couple of residents and not gone along with the City Engineer's original recommendations.

Tom Turner, also a resident of North Shore Drive, agreed with Mr. Connolly's comments.

Jim Schotsch confirmed to Chair Quam that he would investigate to see if a larger diameter pipe would ameliorate the situation on North Shore Drive.

Commissioner Duke Miller asked if a bigger pipe had been originally intended to be used, and asked who had been responsible for the contracting on the original project.

Commission Chair Quam thanked Jim Schotsch for his attendance and presentation.

5. First Reading of Ordinance No. 06-662 – Lot Split & Subdivision to Amend Section 114-426 and 114-427.

City Clerk Alice Baird read the Ordinance by title.

City Attorney Jim Dye explained the formatted changes to the document. He said that essentially, the thrust of the Ordinance was to eliminate lot splits, as a method of creating more buildable parcels. The City Attorney said that instead, all new buildable parcels would be created through the formal subdivision process. He noted areas that were being simultaneously addressed included minimum parcel size and the requirement that parcels be rectangular. City Attorney Dye said that when a parcel goes through the regular subdivision process, a lot would not longer be subject to a requirement for a minimum length and a minimum depth, noting there would only be a requirement for a minimum frontage on a public road.

Commissioner JoAnn Mattick said that all the City's codes and ordinances spoke about minimum lot sizes, without defining maximum lot sizes. City Attorney Dye responded that he had never seen a case treating maximum lot size, because historically and generally, when someone comes in to create a development or project, they try to get as many lots out of a piece of property that they can. He noted that having a lot large eases the population density, and that many communities are concerned about having too many lots per gross acre. The City Attorney indicated that the size of structures could be limited, as well. Commissioner Mattick expressed the concern that huge homes could begin appearing in the city and that this would be a detriment to the city's overall present character.

Commissioner Christine Tollette confirmed with City Attorney Jim Dye that lots measuring less than 5,000 sq. ft. in area would be protected under a non-conforming lots clause.

Commissioner Dale Woodland said that he agreed with Commissioner Tollette's comments. Relative to maximum structure sizes, he requested that this topic be added to the Commission's New Business list. Commissioner Woodland noted that the city had numerous lots in the R-2 district that are platted at 7,500 sq. ft., and asked where in the Ordinance it prevented someone from combining two platted

7,500 sq. ft. lots. City Attorney Jim Dye responded that if someone ended up with a 15,000 sq. ft. lot, they would still fall under the rules for the minimum lot size of 7,500 sq. ft. on Page 4. Commissioner Woodland confirmed that this would make 5,000 sq. ft. lots would become non-conforming. City Attorney Dye suggested adding language to the Ordinance that stated that any lot platted after January 1, 2007 would have to be at least 7,500 ft.

Responding to Commissioner Woodland's question relative to Page 3, Section 4 (b), City Attorney Dye said that the word 'entity' could be struck from the language without changing the Ordinance.

Commissioner JoAnn Mattick confirmed with City Attorney Dye that if a property owner only wanted to pivot a lot, it would trigger the City's subdivision process. He added that this particular Ordinance did not address that issue.

Public Comment

Tom Turner of 850 North Shore Drive asked, relative to Section 8, if a home could be built on a 5,000 sq. ft. lot in the ROR district. The City Attorney responded that he would like the Commission to consider getting by with only one lot size in the ROR district.

Local architect Gene Aubrey confirmed with City Attorney Dye that a home built on a 5,00 sq. ft. lot burned down, it could be rebuilt. He made reference to the importance of visual density to planning efforts.

Commission Chair John Quam set the date for the Second Reading of this Ordinance for December 14th, 2006.

City Attorney Dye indicated that he had tentatively set the effective date for this ordinance for January 1, 2007. He confirmed that he would forward his comments to City Planner Alan Garrett.

6. Final Site Plan Approval – 204 Archer Way

Scott Rudacille⁴, attorney for Kirk-Pinkerton, P.A., representing the property owners of 204 Archer Way, Stephen & Barbara Szabo and Robert & Faith Donnelly. He recalled that his clients had received a preliminary site plan approval from the Commission in May 2006, and that it had included two stipulations: 1) the existing structure would be torn down so as to comply with setbacks on the new lots; and 2) access to the property would be limited to Archer Way.

Mr. Rudacille referred to the site survey in the meeting packet and confirmed that the planned new structure would be in compliance with the setbacks on the new lots, and that the home would only be accessible from Archer Way. The property

⁴ Mr. Rudacille's last name omitted from original minutes

owners' counsel said that his clients had received confirmation from Manatee County that water and sewer utilities were available to the property.

MOTION: Commissioner Duke Miller moved to approve the final site plan for 204 Archer Way, seconded by Commissioner Christine Tollette.

Vote: All ayes. Motion carried unanimously.

Public Comment

Stephen Szabo, co-owner of 204 Archer Way, thanked the Commission for approving his final site plan. He congratulated the new Mayor and Commissioner JoAnn Mattick on their recent elections to office.

7. Second Reading and Public Hearing of Ordinance No. 06-671 – Temporary Building and Recreational Vehicle Amendment.

The City Clerk read the Ordinance by title.

Building Official Kevin Donohue explained that this Ordinance regulated temporary buildings, which were currently regulated as permanent buildings. He said the Ordinance allowed the placement of temporary structures for construction projects. The Building Official referred to a document from FEMA, indicating that temporary structures should be removed 72 hours before a hurricane. Building Official Donohue explained that the Ordinance further regulated the placement of PODS, and the ability to use an RV as a construction office.

Commissioner Dale Woodland confirmed that recreational vehicles that are used at construction sites would be treated differently than RV's at personal residences. Building Official Donohue explained that the Ordinance required mobile units used at construction sites to be registered with the Florida Department of Transportation (FDOT) so that they can be quickly removed in case of a hurricane warning. The Building Official confirmed that personal RV's and their placement on private property were not addressed in this Ordinance.

MOTION: Commissioner Duke Miller moved to adopt Ordinance 06-671, seconded by Commissioner Dale Woodland.

Roll Call Vote: Commissioner Mattick – Aye; Commissioner Woodland – Aye; Commissioner Quam – Aye; Commissioner Tollette – Aye; Commissioner Miller – Aye. Motion carried unanimously.

Public Comment

Tom Turner of 850 North Shore Drive thought that language addressing trailers and recreational vehicles should be removed. Building Official Donohue explained that

the intent of the Ordinance was to enable the city to be cleared of as many movable structures as possible prior to a hurricane.

8. Second Reading and Public Hearing of Ordinance No. 06-672 – Stormwater Management.

City Clerk Alice Baird read the Ordinance by title. Building Official Kevin Donohue drew attention to additional language shown in red type, and the changing of ‘Building Official’ to ‘City Official’, which, he explained, could be the Code Enforcement Officer, Public Works Director, or Building Official.

Commissioner Dale Woodland referred to 102.7, Performance Standards, where it stated that all developments, which would include single-family homes.

Building Official Donohue gave a breakdown of the Community Rating System (CRS) points for each statement.

Commissioner Woodland said that he was interested specifically in the affect the Ordinance would have on the people that were to benefit from it. He quoted, ‘New developments shall retain the runoff from all storms up to and including the 100-year, 24-hour storm event. He asked what this actually meant to property owners.

Building Official Donohue indicated that the property owner would need to receive an engineer’s report on the optimal stormwater management for the property. He said that stormwater could not exceed pre-development stormwater runoff.

Addressing Commissioner Woodland’s concern, Building Official Donohue explained that City Engineer Tom Wilcox had assisted him in drafting this Ordinance, while he continued to work at BDI, Inc. The Building Official said that Mr. Wilcox had told him, relative to the concern he also had about the 100-year storm event, that an acre of land was 40,000 sq. ft., and that such lots were extremely rare in the city, the reality being that most owners had 5, 000 to 7,500 sq. ft. lots.

Commissioners Woodland and Tollette expressed a need for more clarity in laymen’s terms. Commissioner Tollette indicated that a few examples would be helpful. She confirmed with the Building Official that 5, 000 and 7,500 sq. ft. lots were not governed by this Ordinance.

Commissioner John Quam referred to Page 8, #13, and expressed approval of the requirement for a dip in driveway entrances.

Commissioner Dale Woodland referred to Page 9, Section 102-9 (e), relative to inspection, and expressed approval for this provision. Building Official Donohue informed him that this was worth 110 CRS points to the City of Anna Maria.

MOTION: Commissioner John Quam moved to adopt Ordinance 06-672, as amended and presented, seconded by Commissioner Dale Woodland.

Roll Call Vote: Commissioner Mattick – Aye; Commissioner Woodland – Aye; Commissioner Quam – Aye; Commissioner Tollette – Aye; Commissioner Miller – Aye. Motion carried unanimously.

Public Comment

Eugene Aubrey of 410 Spring Avenue noted that the grade on the school property was raised 4 ½ ft. above every property around it. He discussed the management of stormwater on private property, as well as on streets, and said that the City had to manage its own stormwater issues.

MOTION: Commissioner John Quam moved to extend the meeting to the completion of the Agenda, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

9. Second Reading and Public Hearing of Ordinance No. 06-674 – Flood Drainage Prevention.

The City Clerk read the Ordinance by title.

Building Official Kevin Donohue said the first order of business relative to the Flood Damage Prevention Ordinance was to select one of two proposals. He referred to Proposal One on Page 2. Commissioner John Quam indicated that he did not think the City was ready for Proposal One, as it would eliminate any garages in the future, noting that vehicle insurance rates were lower for vehicles that were kept in garages.

Commissioner Christine Tollette said she had been considering all the items that were kept in garages instead of inside personal living space. She expressed doubt that there would be a debris field after a major storm event in Anna Maria because the entire city would be submerged.

Building Official Donohue presented Proposal Two to the Commission and reviewed the changes, printed in color on Exhibit A.

The Building Official updated the Commission on the total of CRS points currently accumulated, noting that the City was currently 109 points short of Class 5, which would translate into a 25% discount, which would mean a \$251,000 savings in flood insurance premiums for the City of Anna Maria's residents.

After discussion at length, there was consensus among members of the Commission to adopt a 39% permit – to- permit rate, and, with the exception of Commissioner Dale Woodland, further consensus to use City Attorney Dye’s language.

MOTION: Commissioner Duke Miller moved to adopt Ordinance No. 06-674, including Proposal Two, and City Attorney Dye’s revised language Page 12, #2, dated November 16th, 2006. Commissioner Christine Tollette seconded the motion.

Roll Call Vote: Commissioner Mattick – Nay⁵; Commissioner Woodland – Nay; Commissioner Quam – Aye; Commissioner Tollette – Nay; Commissioner Miller – Aye. Motion carried by a vote of three to two.

Public Comment

Tom Turner of 850 North Shore Drive commented regarding the Commission’s choice of the 39% threshold.

Resident Janet Aubrey expressed the opinion that adoption of this Ordinance would be a big mistake. She said that the permitting process should be streamlined.

10. Resolution No. R06-622 – Amending Schedule of Fees for Municipal Services and Permits.

The City Clerk read the Resolution by title.

MOTION: Commissioner Dale Woodland moved adopt Resolution No. R06-622, seconded by Commissioner Duke Miller.

Roll Call Vote: Commissioner Mattick – Aye; Commissioner Woodland – Aye; Commissioner Quam – Aye; Commissioner Tollette – Aye; Commissioner Miller – Aye. Motion carried unanimously.

PUBLIC COMMENT

Barbara Sato of 708 South Bay Blvd. raised an issue related to the major site plan approval process and change of use. Commission Chair Quam indicated that this topic was currently on the Commission’s New Business list.

Tom Turner of 850 North Shore Drive noted that waste removal vehicles were gouging the asphalt on newly paved streets. Mayor Barford indicated that she would contact Waste Management, Inc. about the problem.

Gene Aubrey noted that the practice waste removal workers have of jumping from trucks is dangerous.

⁵ Commissioner Mattick’s vote had been incorrectly recorded as “Aye” in the original version of the Minutes.

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Ed Chiles of 113 Tern indicated that the site plan review process currently costs both the applicants and the City a great deal of money, and expressed appreciation for the Commission's willingness to review the process.

Commissioner Chair Quam informed Mayor Fran Barford that this topic would be on the December 14th, 2006 Regular Commission Meeting agenda.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner John Quam moved to adjourn the meeting, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

City Clerk Alice Baird

Date