

**CITY OF ANNA MARIA
CITY COMMISSION MEETING
MAY 22, 2003 - 7:00 P.M.**

Call To Order.

Pledge to the Flag.

Present: Commissioner Tom Aposporos, Commission Chair John Quam, Commissioner Chuck Webb, Commissioner Linda Cramer, Commissioner Duke Miller. Also present: Mayor SueLynn, City Attorney Jim Dye, Sheriff's Deputy Sgt. Kenney, Public Works Director George McKay, City Clerk Alice Baird, Deputy City Clerk Diane Percycoe, Minutes Clerk Sylvie Reichmann.
Press: Sun, Islander, Herald

CONSENT AGENDA

1. Approval of Minutes: Regular Commission Meeting 4/24/03; Special Emergency Meeting 4/29/03; Special Meeting 4/29/03
2. Approval of National Small Cities & Towns Day June 20, 2003 Proclamation

MOTION: Commissioner Tom Aposporos moved to approve the consent agenda, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

REPORTS & UPDATES

Commissioners

Commissioner Linda Cramer said she attended the Affair to Remember for the Community Center and applauded them for their efforts. She reported that she also attended the last meeting of the Historical Society until October, and said that work would be continuing raise funds for Belle Haven Cottage.

Commission Chair John Quam reported that he attended the May 8th Manasota League of Cities meeting where the lobbying that Mayor SueLynn was attending in Tallahassee was discussed. He noted that Manasota League of Cities associate member FPL announced that they would open the \$550 million natural gas power plant Parrish in

Summer 2005. Chair John Quam said that at the same meeting, SWFWMD announced that they were arranging for a tour of the Apollo Beach desalination plant on July 10th for elected officials. Commission Chair Quam reported that he attended the May 12th ITPO meeting, at which MCAAT reviewed modifications to the trolley. They indicated that after 80,000 miles, sand was ruining brake drums, causing squealing. Chair Quam confirmed that all five trolleys would eventually be improved. Chair Quam said he attended the Holmes Beach Commission Meeting on May 13th, at which a major topic was the skate board park interlocal agreement. He said their lawyer was not comfortable with Anna Maria's request to add a hold harmless clause. He noted that Bradenton Beach had opted out and it now appeared there would be no formal agreement on the skate board park. Chair Quam reported that the final vote was scheduled for May 27th in Holmes Beach. Mayor SueLynn noted that Anna Maria would still contribute funds, but would not be liable in any way. Chair Quam said the Building Official agreement would also come up for a formal vote in Holmes Beach on May 27th. The Commission Chair said he also attended a Barrier Island Elected Officials Incident Command System meeting put on by the Fire Chiefs in Holmes Beach. He said attendees were given an overview of management during emergency incidents and covered the subject of who takes command in these circumstances. Chair Quam said it was a very interesting 1 ½ hours and urged elected officials to attend. He said the next meeting would be on May 29th at 10 a.m. in Holmes Beach, and that two more were scheduled to take place in Longboat Key. Commission Chair Quam noted that the EEEEC had been beautifying the City Hall grounds, and that a load of plants would arrive the Friday of the week of this current meeting. He said that help would be needed for unloading, and that volunteers equipped with shovels, hand claws, tarps and containers would also be needed on Saturday and Sunday. Chair Quam asked that volunteers report to City Hall. He said Tim Eiseler and Mike Miller are responsible for organizing. A resident suggested calling either

one of them for details.

MAYOR'S UPDATE

Mayor SueLynn reported that she returned to work on May 19th and attended the local Mayors' meeting with the County Commission Chair. She said they talked about consideration of an ITS system (Intelligence Transportation System), which is a means of connecting and timing traffic signals between municipalities to improve traffic flow. The Mayor noted that opposition to proposed impact fees may prevent the system from being implemented. She said that should they decide to do it, it would provide the city fees and additional funds. Mayor SueLynn reported that Ernie Padgett was at the same meeting and confirmed that sound modifications to reduce the noise factor 30% would be made to the remainder of the trolleys. The Mayor said that in the evening of May 20th, she attended the second annual Emergency Operations Center meeting. She said attendees went to the second floor of the County building downtown and toured the facility and were familiarized with its functions. Mayor SueLynn reminded those present that hurricane season begins June 1st, and recommended making assignments of Commissioners to the Emergency Operations facility at the June 12th Commission Work Session. She said that the City Clerk and Deputy City Clerk had informed her that one person and an alternate would be required for each location. The Mayor said designees would be needed for Downtown Bradenton, the Island Fire Station and Anna Maria City Hall. She alerted residents who need assistance in evacuating to fill out a form, which needs to be updated annually. The Mayor noted that evacuation is a County responsibility. She also asked for volunteers from the public for any evacuation situation. The Mayor underscored the recommended Commissioner attendance of one of the Incident Command System workshops mentioned earlier by Chair Quam. She said this would be important because that system is the one being used to make decisions as to whether or not to declare a disaster and give orders to evacuate. Mayor SueLynn reported that she hosted the June 21st Barrier Island Elected Officials meeting at

Anna Maria City Hall. She said it was announced at that meeting that on June 28th at 10:45 a.m., the ribbon cutting ceremony for the skate board park would take place. The Mayor said that the park organizers are asking for volunteers for the first two weeks to supervise and train skateboarders regarding the rules. She noted that this initial supervision was required by the insurance company, and would not continue after the first two weeks of the park's opening. Mayor SueLynn indicated that anyone interested in volunteering should call the Holmes Beach City Hall. She reported that Mayor Redgrave of Longboat Key announced that over the next two months there would be periodic shut-downs of the bridge between Coquina Beach and Longboat Key from 10 p.m. to 6 am. The Mayor said that at the BIEO meeting, additional MCAT and trolley ridership statistics were reported. She said that MCAT buses had 477,139 paying riders, and that there had been 255,665 non-paying trolley riders from the beginning of the year until the present. Relative to the City of Anna Maria budget process, the Mayor said that the staff, the Capital Improvements Advisory Committee (CIAC), and Baskerville-Donovan (BDI) had begun work at the beginning of May, and would continue to assemble back-up and documentation for each item on the budget. She said that this information would be given to the Commissioners as it is prepared, and added that this year, budget work sessions would begin at the end of July.

Commissioner Duke Miller asked if a budget binder could be prepared for each Commissioner to be kept in their respective mail slots. Mayor SueLynn confirmed that this would be done.

Mayor SueLynn announced that any organizations wishing to be considered for a donation during the budget process would need to submit their request in writing by June 30th.

The Mayor noted that City Attorney Jim Dye had received a letter from the Chair of the Manatee County School Board, exempting Anna Maria from the interlocal agreement relative to the building of

schools. She said that the City had been reminded that the school building evaluation and appraisal report needed to be part of the City's Comprehensive Plan. The Mayor confirmed that she would notify Tony Arrent of this requirement.

Mayor SueLynn announced that the lobbying about the House and Senate Bill regarding 'cell towers' had paid off. She said that Senate and House Bill 1307 had passed the legislature in substantially amended form and no longer preempts local government zoning authority. The Mayor noted that this development makes it even more important that the City have its personal wireless service facility ordinance in place.

**PLANNING & ZONING
RECOMMENDATION – Variance Request -
783 Jacaranda, request for a decrease in the rear
set-back from 10 feet to 3 feet and a decrease in
the side set-back from 10 feet to 9 feet to install a
swimming pool.**

The Minutes Clerk swore in all those about to give testimony before the City Commission.

Planning & Zoning Board Chair Doug Copeland reported that the Board had voted at its hearing on April 28th, 2003 to deny the Perez' request for a variance. He said that during the course of testimony, it became apparent that there had been numerous code violations in the alleyway adjacent to the Perez' home and the Board moved to ask the City to investigate code violations in the 700 block of Jacaranda and North Shore.

Commissioner Chuck Webb asked if the Board had discussed whether or not a variance was actually required in this case. Planning & Zoning Board Chair Copeland responded that the Code requires that the set-back law be obeyed. Commissioner Webb said the ordinance had been changed in January 2003 to read "Set-back means the required minimum distance between the street right-of-way line and any other lot or property line and the outermost vertical plane of any building or structure which is over twelve inches in height". The

Planning & Zoning Board Chair replied that the Code also states that swimming pools will obey the set-back. Commissioner Webb indicated his understanding that the set-back applied to anything that was over twelve inches in height. Commission Chair John Quam asked City Attorney Jim Dye to prepare and present his interpretation of the ordinance at this evening's meeting. Commissioner Tom Aposporos asked if current Code violations in the alleyway were in any way caused by applicant, and Planning & Zoning Board Chair Copeland replied in the negative. Mayor SueLynn showed the Commissioners a map in made in 1998 identifying violations existing there at that time. She noted that sixty unauthorized trees, as well as various encroaching structures had been identified at the time. The Mayor reported that on the morning of the day of this meeting she had inspected the alleyway with Bo Conerly from BDI and they had concurred that it is impassable.

Commission Chair John Quam asked the Perez' to make their statement. Mr. Perez said that he and his wife had been working on this project for approximately one year. He said they had originally received verbal approval from the Building Official. They then contacted a pool contractor and took out a large loan. After that they were told approval was mistaken, and a 10 ft. set-back was required. The Perez' had their plans modified to construct a smaller sized pool. Mr. Perez explained that there are no obstructions in their portion of the alleyway.

Mrs. Perez said that when she originally asked the Building Official what they could build, he said he had no problem with putting the pool 3 ft. from property line. She said that Building Official George McKay had apologized for his mistake.

Commission Chair John Quam asked what the hardship and unique circumstances pertaining to the property were. Mrs. Perez said they have a trapezoid shaped lot, and their hardship is that the Building Official told them they could do something which caused them to undergo expense

and contract to a loan. She added that others had enjoyed use of part of the alleyway for years. She said the pool would not be in the alleyway itself. Mrs. Perez said she had received letters from all the utility companies saying the alleyway would not be used by them in the future.

Commissioner Linda Cramer asked if the Perez' would put an enclosing fence up on the property line. Mr. Perez confirmed it would be on their property line. Mrs. Perez noted that in November 2002, the Mayor had asked the City Attorney to draft a document to close the alleyway, as a simple solution. Commissioner Cramer suggested that a past variance for a pool set-back granted in 1996 had probably affected the Building Official's original statement.

Commissioner Duke Miller said he could discern no alleyway at the site. He said the 10 ft. alleyway impossible to find. The Commissioner said that if a variance were granted, the Perez' would be 13 ft. from their neighbors' property line with their 3 ft. setback. He asked if neighbors had been notified and asked if they objected to the Perez' plans. Public Works Official George McKay confirmed that they had been notified.

Commissioner Webb noted that the City Attorney was prepared to state his interpretation of the Code. City Attorney Dye said that in the R-1 district, swimming pools and decks count toward impervious coverage and noted that the ordinance stated that swimming pools are subject to set-back regulations. The City Attorney said that whatever rules the City uses for any set-back intrusion would apply to pools. He agreed with Commissioner Webb's statement that if a structure is twelve inches or lower in height, it is allowed into the set-back. City Attorney Dye said he also checked the City requirement for having a fence around a pool, and noted that fences are allowed right up to the property line. Commissioner Chuck Webb said Ordinance 02-601, Section 2 adopted on January 23rd, 2003 sets forth the definition. He said he didn't think they needed a variance. City Attorney Dye agreed.

Commissioner Tom Aposporos noted that there had been communication from an adjoining property owner supporting the Planning & Zoning Board's decision to deny the variance. He said the purchaser of 784 Shore Drive (sic) had had a lawyer send the Commission a letter to that effect. Commissioner Aposporos asked the Perez' if they were aware of the positions of the three property owners adjoining theirs. Mr. Perez said that the neighbor on the right was in support of their plans, and the one on the other side also expressed support. He noted that the prior owner of recently purchased 784 had also been in support, and when he spoke to the visiting new owner, she did not have a problem.

Commission Chair John Quam asked if there was a requirement for adjoining neighbors to sign off in support of proposed plans. Commissioner Webb indicated there was no such requirement, and said that the adjoining neighbors simply were to be advised that they could come forward with objections. He reiterated the City Attorney's and his opinion that a variance was not required in this case and that the Perez' could move ahead and apply for a permit.

Planning & Zoning Board Chair Doug Copeland confirmed to Commissioner Aposporos that it had been the Board's interpretation that the swimming pool subsection of the ordinance was something separate from the set-back. He said the Board was not aware that this subsection had been superseded by the new ordinance. The Planning & Zoning Board Chair said it had been his assumption that the amendment to the set-back ordinance did not change the pool setback requirements. He noted that the original ordinance had also contained the twelve inches in height rule.

Commission Chair Quam asked the Commissioners for their opinions. Commissioner Webb said that if a structure was not more than twelve inches high, it could go into the set-back with no requirement for a variance.

Commissioner Aposporos asked which Building

Official had given the Perez' the information, and they confirmed that it was Anna Maria Building Official. The Commissioner said that if the opinion of the City Attorney agreed with Commissioner Webb's, there appeared to be no further reason for debate, unless the Commission saw a need to obtain the opinion of the current Building Official.

Commissioner Duke Miller noted that the Building Official needs to know the law.

Commissioner Linda Cramer confirmed that the fence permit would be for construction on the property line. She suggested this and encumbrances in the alleyway could be put on a future work session agenda, if the Planning & Zoning Board saw the need for further discussion.

Public Comment

A resident said he was happy that the Perez' could put their pool in. The resident said the City needed however to look at the alleyways as instrumental in run-off water retention. He also noted that pollution in the canals is a problem. The resident suggested that in the future the Commission might revisit the issue of paving to the property line.

A resident said she thought the deck around the pool had to meet the impervious coverage percentage restriction and recommended that the Perez' keep with this requirement. She said she had an issue with variances for reasons other than hardship and noted that the Perez' got a variance for a 9ft. setback back in 1996. The resident voiced concern that an example might be set for people to increase the size of their lots.

A resident said she was disturbed by Commissioner Miller's recommendation to allow people with encumbrances in the alleyway to keep them. She recommended removal, since the alleyway is City property, not theirs. Commissioner Miller said there were no buildings on the alleyway, only plants, and he said this was not harming the City of Anna Maria. He said he did not think it would be appropriate to spend \$70-\$80,000 of taxpayers'

money to pull down trees.

Commissioner Chair John Quam said that the alleyway would be on the June Commission Work Session agenda.

A resident asked if the City Attorney had also given the opinion that there was no need for a variance. City Attorney Jim Dye confirmed that he had.

A neighbor who lives two doors away from the Perez' said they had been told when they purchased their property that they and the neighbors to the rear of them shared the property now identified as an alleyway.

Commission Chair John Quam declared the case dismissed and said the Perez' could move forward with their pool construction. Mayor SueLynn confirmed that the meeting minutes would give the Perez' the documentation they would need to move forward with their pool construction.

A resident said he was not aware of 'alleyways' listed on town maps, he said they are listed as 'easements'. He suggested using the proper term.

**CONTINUE HEIGHT VARIANCE REQUEST -
- 801 N. SHORE DRIVE: Requests an increase in the height restriction from 37 feet to 42 feet for a new structure.**

Commissioner Chuck Webb stepped down due to a voting conflict. Chair John Quam said that during joint meetings of the Planning & Zoning Board and the City Commission to review Ordinance 114-222, Height of Buildings, they had agreed upon three to four options and had referred them to the Planning & Zoning Board for their recommendation. Chair Quam noted the Board would be meeting on May 27th. He said the Commission could call a Special Meeting five days after receiving the Planning & Zoning Board's recommendation. He acknowledged that contractor Mr. Whitehead changed the variance request in his letter dated May 21st, 2003. Chair Quam stated that it would be

improper for the Commission to act on the variance request before receiving the recommendation of the Planning & Zoning Board relative to the height ordinance.

**MOTION: Commissioner Duke Miller moved to table the 801 N. Shore Drive variance request, seconded by Commissioner Tom Aposporos.
Vote: All Ayes. Motion carried.**

Commissioner Cramer asked for clarification of the procedure. She said it was her understanding that if a request had been changed, it would first go back to the Planning & Zoning Board and then come again before the Commission. Chair Quam reported that legal counsel said this was not mandatory, although it had been the procedure used by past Commissions.

There was consensus for a Special Commission Meeting to be held on Tuesday, June 3rd at 7:00 if a recommendation is received from the Planning & Zoning Board.

Brent Whitehead confirmed with Chair Quam that the Deporre's variance would not be heard until the height issue was settled with a recommendation from the Planning & Zoning Board. Commissioner Tom Aposporos recalled that the Commission had taken the position that the height issue should not be decided on the case-by-case variance basis, but rather to look at the issue as a whole. He noted that at the joint meetings there had been a consensus to deal in a forward thinking way.

Planning & Zoning Board Chair Doug Copeland confirmed that the Planning & Zoning Board meeting would be on the issue of the height ordinance in general, and not to hear the Deporre's variance request.

ALLEYWAY ENCROACHMENT (FENCE) REQUEST – 780 N. Shore.

Chair Quam said this item would be rescheduled for June 26th due to the illness of the attorney representing the applicants.

BELLE HAVEN ROOF REPAIR AND RENOVATIONS – LINE ITEM TRANSFER

Mayor SueLynn said this referred to two Line Items: 516.36 and 516.38. She said that more work needed to be done on the property in order to preserve it, and it had been recommended to put a roof on in place of the tarp and make some minimal repairs. The Mayor said that the repairs would cost \$2,346.76 more than the \$6,000 currently in the maintenance Line Item 516.36.

Mayor SueLynn said that the grant for the historical house survey was to use matching dollars from the City (\$7,000 + \$7,000). She said the grant had not been applied for, therefore the funds in Line Item 516.38 would not be spent. She recommended taking money from that Line Item and moving it to Line Item 516.36 to cover roofing and repairs. The Mayor noted that this would leave a balance of \$4,653.24 unspent.

Mayor SueLynn indicated that any additional expenditures on Belle Haven Cottage would be funded by Historical Society fundraising activities.

MOTION: Commissioner Duke Miller moved to transfer \$7,000 from Line Item 516.38 to Line Item 516.36, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

Commissioner Tom Aposporos asked what the total City commitment would be, and City Clerk Alice Baird confirmed it would be \$13,000.

Public Comment

A resident confirmed that the amount needed was not \$7,000. Mayor SueLynn said that if \$7,000 was not transferred, there would be no additional money left for incidental repairs. Commissioner Duke Miller said he would therefore not amend his motion.

A resident said that each time the public hears about Belle Haven Cottage, the City needs to do more.

She said she thought originally only \$1,000 needed to be spent. She said the building was going to be changed substantially and it may just become an expensive storage building. Commissioner Cramer clarified the City's responsibility toward Belle Haven, as its owner. She said this had not been changed in the lease.

Chair John Quam asked Carolyn Norwood to explain funding plans. She said this building had been built in the early 1900's, was unique and historically valuable. She said the original idea was to get contractors from the Island involved to donate materials and labor to make it a grass roots community project. Relative to fundraising, she said they were sending letters to corporations and foundations in Manatee County, and were also targeting interested individuals from on and off the Island. Printed T-shirts, and museum sales revenue would be going toward the restoration, in addition to donations. Ms. Norwood said the Historical Society was planning to have public events in the fall during cooler weather. Commissioner Aposporos asked if there was a budget for the restoration of Belle Haven Cottage. Ms. Norwood said they would be meeting with architect Pat Fletcher and the contractor in the next week. Commissioner Aposporos commended the approach to the private sector rather than the City and wished the Historical Society good luck.

A resident spoke regarding ownership of the historical park. She said she thought the City had some responsibility for outside maintenance of the building. She clarified that the building would be changed because it was already listed in the Master List as a steamboat office. The resident then addressed the distinction between alleyways and easements, and said that the original Anna Maria Beach Subdivision had 10ft. alleyways, not easements. She noted that this subdivision was already on the books.

SET PARKING MEETING DATE

Commissioner Linda Cramer said she had thought that the consensus was to have the meeting on May

28th at 7:00 p.m. and she had asked the Commission if they wanted her to contact the St. Pete parking manager to speak on that day. The Commissioner confirmed that he was available to do this. Commissioner Tom Aposporos said at the meeting when he recommended May 28th for the meeting, he was defeated, but said he would be happy to meet on that day and hear information presented by experts. Commissioner Chuck Webb asked if BDI would be available to make a presentation on that date, and the Mayor confirmed that they would be. The Commissioner said he would like to see some type of map. Mayor SueLynn said it would be available at that meeting. Commissioner Cramer also mentioned a desire to review the sign inventory.

There was consensus to meet on May 28th at 7:00 p.m.

Commissioner Duke Miller asked if City Attorney Dye's draft would also be on the agenda at that meeting. The City Attorney said he thought the Commission should first reach a consensus of what the plan was going to look like before he inserted it into the ordinance. Commissioner Miller agreed it would be beneficial to have BDI and St. Pete Parking make their presentations and then the Commission could discuss the form of the ordinance.

PUBLIC COMMENT

A resident asked why potential speakers were required to be sworn in prior to the Perez variance request item. Commissioner Webb explained that the Commission sits as a quasi-judicial board at variance hearings, and swearing in is at the discretion of the board hearing the request, but is common practice.

A resident said he attended all three visioning meetings, and said the proposed parking plan did not seem to be in keeping with the results. Regarding beautification on South Bay Drive, he said he could not see a reason for it, and said new plantings in front of City Hall were also

unnecessary and furthermore would need to be maintained.

Another resident agreed with everything the previous speaker said. She said that easements are also not part of properties, relative to a prior topic.

A resident expressed dismay over the decision regarding the route the City is taking on parking, and said the City would undoubtedly learn from its mistakes. A resident agreed.

A resident objected to blocking of consideration of option 'c'. She noted an article published Sunday in the Bradenton Herald. The resident recommended that those advocating a restrictive parking policy read it. She said she would have a copy distributed to all Commissioners. Commissioner Miller said the alternate parking concept had indeed been considered by the Commission on four different occasions. He said, relative to the Bradenton Herald article, that there were a number of erroneous statements contained in it. He noted that not one resident in the affected zone had objected to being protected from increasing transient traffic.

A resident noted the public's favorite beach is Bean Point, and said having access to beach is not the same as having the ability to park. The resident said there were also a few people who did not enter into the renourishment program, and they should be given some consideration.

Resident responded to Commissioner Miller, saying that a couple of residents in the beach access zone had actually come forward to object to protection from the increasing public traffic on their streets. The resident confirmed with Chair Quam that at the upcoming meeting public comment will be heard after motions.

PRESS COMMENT

A member of the press asked what happened to the December 17th, 2002 request of the Commission to City Attorney Dye to bring in information on how to close the alleyway between Jacaranda and N.

Shore. City Attorney Dye said it was to be modeled on an existing policy on an alleyway elsewhere in the City, and then Commissioner John Michaels was supposed to give him information on why he thought the language was too loose. Commissioner Michaels left before he could provide the information. Commissioner Linda Cramer said that the previous alleyway was closed by resolution. Commissioner Tom Aposporos said he had received letters from residents on both sides of the alleyway and had said he would give them to the Mayor to review.

ADJOURNMENT

**MOTION: Commissioner Chuck Webb moved to adjourn the meeting, seconded by Commissioner Duke Miller.
Vote: All Ayes. Motion carried.
The meeting adjourned at 9:07 p.m.**

Respectfully submitted,

Alice Baird
City Clerk

Date Approved: 6/26/03