

**CITY OF ANNA MARIA  
CITY COMMISSION WORK SESSION  
MEETING HELD AT HOLMES BEACH COUNCIL CHAMBERS  
THURSDAY, MAY 10, 2007  
7:00 P.M.**

**CALL TO ORDER**

Chair Quam called the Work Session to order at 7:00 p.m.

**PLEDGE TO THE FLAG**

**ROLL CALL:** Commissioner Duke Miller, Deputy Chair Christine Tollette, Chair John Quam, Commissioner Dale Woodland, Commissioner Jo Ann Mattick, and Mayor Fran Barford.

**Staff present:** City Clerk Alice Baird, Deputy City Clerk/Finance Director Diane Percycoe, Public Works Director George McKay, City Planner Alan Garrett, City Engineer Tom Wilcox, and Minutes Clerk Stacey Johnston.

**Press present:** Sun, Islander.

**Chair Quam read the Pledge of Conduct.**

**1. Continued Discussion on Options for Maintaining Lake LaVista Inlet.**

*City Engineer Tom Wilcox* handed out information relating to the “Dredging at Anna Maria” and a “Menu of Estimated Costs for Dredging Services.”

Mr. Wilcox stated that the primary criterion was to determine what decision to follow in order to extend the period of time between dredging and save money in the process. The following possible alternatives were addressed:

- Continuation of the present conditions.
- Extend the Jetties to delay channel dredging.
- Dredge the Filet area more frequently to delay channel dredging.
  - One operation – out of sea turtle season.
  - Other operations – in sea turtle season.

Mr. Wilcox informed there are 214 days during the turtle-nesting season.

Mr. Wilcox explained the “Menu of Estimated Costs for Dredging Services”. A comparison of the original 2005 versus a 3% cost of living adjustment for 2007 was added to the estimated final costs.

- The cost to dredge not during the nesting season is approximately \$95,434. The cost per cubic yard removed (1,000 cy in Filet + 2,500 cy in channel) is approximately \$27.27.
- Additional services are required to dredge during the nesting season for a estimated total cost of \$125,614. The cost per cubic yard removed (1,000 cy in Filet + 2,500 cy in channel) is \$35.89. Sand Density Testing and Tilling is required for three years after nourishment.
  - Surveying is required every morning at dawn and has to be completed by 9:00 a.m. Approximately three hours of paper work is then required. Ms. Susie Fox is currently performing the surveying at no cost to the City. Mr. Wilcox asked Ms. Fox what

the charge would be if she were asked to increase the surveying times. She currently charges Manatee County \$30 per day to survey five miles of beach area.

The basic service not in nesting season versus the services required during nesting season without channel dredging was then discussed.

Mr. Wilcox pointed out a \$350,000 Capital Investment is required if the City chooses to install the Jetty. Doing so may extend the dredging times from three years to four years. However, weather conditions make the determination. After considering all costs, Mr. Wilcox stated the City would spend \$779,000 (not counting inflation) over a four-year period if the Jetty were installed. If the Filet is dredged every couple of times between dredging the channel, the total cost would then be \$1.4 million over the four-year period versus the current process being utilized of only \$954,000.

Mr. Wilcox then presented a suggestion discussed by he and Public Works Director McKay relating to dredging an extra Filet without utilizing the contract with Energy Resources. He pointed out that Energy Resources charges a Mobilization and Demobilization Fee of currently \$51,800. That amount is charged regardless of whether he is cleaning out the Filet or is performing a full dredge.

Public Works Director McKay has had a local person clean out the Filet at a cost of only \$20,000. To continue allowing that individual to clean the Filet between full dredging by Energy Resources would reduce the City's cost over the four-year period from \$954,000 to approximately \$700,000.

Mr. Wilcox said based on the City's current budget, he did not recommend installing the Jetty at this time. He recommended the City continue as they have been by Energy Resources performing the full dredge and then utilizing the local person to clean out the extra Filet. He said he will also contact WCIND who is currently advertising for some dredging work in an effort to piggyback for better costs.

*Commissioner Woodland* pointed out that based on the calculations presented, the best long-term solution would be to proceed with the Jetty installation.

### **Public Comment**

*Jim Conoly*, N. Shore Drive, asked why the City was doing the dredging at all and asked what would be the consequences if it was no longer done.

*City Engineer Wilcox* explained that riprap is not pulled out of the channel. It is falling down into the water causing serious erosion. He stated a \$9,500 proposal had been obtained to do the work. In addition, Director McKay had obtained a currently budgeted \$50,000 grant to help in better stabilization of the area.

The benefit from the Government, increased property values, economic and aesthetic benefits, etc. to perform the dredging was then discussed by Mr.

Wilcox. He reminded that the City has two permits expiring – one in 2009 and the other in 2010.

*Commissioner Tollette* asked if a person would be able to stand and fish off the riprap when it is redone.

Mr. Wilcox said it is never a good idea to stand on it at any time. However, a new type of riprap will be used during the repair and it would allow for fishing off of since it would not be as steep.

*Commissioner Woodland* stated the City is obligated to keep the channel clean through an agreement with the Anna Maria Development Company who donated five lots where the Historical Society is located. The City accepted the five lots under the condition that the City would maintain the channel. A Resolution is on file relating to this obligation.

## **2. Continue Discussion on Proposed Amendments to Special Events Ordinance.**

*City Planner Alan Garrett* addressed the changes made to the current Special Events Ordinance currently existing in Anna Maria. He said different types of situations had been reviewed and how different communities deal with special events may still want to be explored by the City.

City Planner Garrett reviewed the following changes made to the current Ordinance:

- Remove “indoor” from the regulations so therefore all special events will only be regulated to outdoor events. Special events will pertain to all zoned districts versus limiting them to only the commercial district.
- Add language emphasizing the needed requirements on the site plan including a site plan that is drawn to scale, which indicates any proposed structures, along with indicating the parking that will be used solely for the event users.
- Remove language relating to the submittal date requiring special events applications to be submitted six weeks in advance of the event to allow enough time to process the application and schedule the Public Hearing.
- The only time the Westside Anna Maria Fire District staff would review the permit application would be if the special event proposes cooking facilities, heaters, and/or a tent.
- Remove “and fees required” and place those fees in a fee schedule Resolution.

City Planner Garrett pointed out that the requirements for security services currently exist in the present Code. He gave examples feeling there was sufficient language in the existing Code to allow the City Commission the ability

to make a determination and attach additional conditions pertaining to alcoholic beverage consumption on a case-by-case basis.

*Commissioner Tollette* asked if limiting the number of special events per year was removed. Planner Garrett said it had been.

Commissioner Tollette felt the language relating to security services and the City Commission reserving the right to attach additional conditions pertaining to alcoholic beverage consumption was too cumbersome and difficult to delineate. City Planner Garrett responded.

*Commissioner Miller* asked why limiting the number of special events per year was removed pointing out the Commission did not ask for it to be removed. He voiced concern that the number of garage sales is limited each year but special events that would affect the area surrounding it were not. He was in favor of putting the six per year limitation back into the proposed Ordinance.

*Commissioner Woodland* stated that at the first meeting relating to this issue he felt the process would move along more smoothly if first the problem was defined. He said he did not see any progress relating to the special events issue.

He stated that though the weddings held at the Pavilion did not require a Special Events Permit, they have created some of the existing problems and felt that security should be required.

Commissioner Woodland suggested that if any event violates the City's Ordinances, those events should have a limit per year placed on them. He did not feel events that do not violate the Ordinance should be restricted.

*Mayor Barford* addressed the issue. She stated that what was triggering the problem and causing the City to review the situation was the weddings held under the tents at the Sandbar. She said they have tried to come up with a solution to try to make it work in the best interest for the City, business owners, and the residents.

Mayor Barford said the Special Events Permit does need to be refined and needs to be consistent with the Code requirements.

She informed there are eighteen more weddings scheduled under the Sandbar tent between July 1 and December 31. They looked into a Special Outdoor Assemblies Ordinance; however, all required a Site Plan process.

Mayor Barford stated it is her recommendation the Sandbar be required to go through a Site Plan amendment, noting that the Anna Maria Ordinance requires a Site Plan amendment whenever there's a change to outdoor dining. She suggested the Special Events Ordinance remain, as it currently exists, pointing out that the Historical Society, for example, has more than six events each year.

*Chair Quam* said in looking at the proposed minor Ordinance changes, he was opposed to spending the \$300 required in rewriting the Ordinance.

*Commissioner Mattick* said she felt the issue was creating a bad situation for the residents and causing a lot of staff time. She reiterated from previous meetings that a special event to her was an event held outside such as a parade, festivals, etc.

*City Planner Garrett* agreed with Mayor Barford's comments and agreed that a special event is a public event drawing a large number of people on either private property, public property, or requiring street closures. He acknowledged that according to the City's Ordinance, if outdoor dining is allowed, the Site Plan is required and what is occurring at the Sandbar should be codified in their Site Plan. Discussion followed.

### **Public Comment**

*Jim Conoly*, N. Shore Drive, said in his opinion the Site Plan Amendment requirement did have merit.

He voiced concern that the Special Events Permit would override the existing Ordinances within the City.

*Jill Morris*, 307 Spring Avenue, director of studio at Gulf and Pine informed they are in the process of a huge outdoor event that includes a tent and asked if she would be required to obtain a Special Events Permit.

*Chair Quam* suggested she meet with Mayor Barford at City Hall prior to the event.

*Janet Aubry*, 410 Spring Avenue, agreed that the proposed Ordinance was useless and a waste of staff time. She thanked Mayor Barford and Commissioner Miller for stating that the Sandbar situation is the cause for the discussion and encouraged the Commission to bring the issue to a resolution.

*Marie White*, 111 Spring Avenue, agreed the Sandbar was making an impact on the Special Events issue.

Ms. White stated that Clearwater, St. Augustine, and Key West all have more restrictive codes than Anna Maria, noting they are limited to six special events per year. It was her opinion that fees should be charged for special events in commercial areas.

According to Ms. White, the traffic is an issue especially on Friday and Saturdays when the weddings are held at the Sandbar.

She suggested that when the current Ordinance is changed, the specific setback requirement be stated.

*Robin Wall*, 112 Palmetto, said there is no Code that refers to requiring a site plan for tents.

*City Planner Garrett* responded that the section of the City's Code relating to dining does not refer to tents; it states that any increase in outdoor dining capacity requires a Site Plan.

The *Sandbar's new Special Event Coordinator* addressed the Commission. She said she had never heard any bad comments regarding the parking situation. She pointed out that the Bradenton Herald just listed the Sandbar as one of the most popular wedding locations. She agreed that the weddings should not be considered as a special event and stated the service they provide bring hundreds of people to the Island and supports numerous local businesses.

*Jill Salazar*, Unique Ceremonies, said she performs numerous weddings at the Sandbar location. She agreed weddings at the Sandbar should not be required to have a Special Events Permit and felt it was a normal course of the Sandbar's business.

*Resident*, Pine Avenue spoke in favor of the weddings held at the Sandbar. He said his apartment is close to the Sandbar and he has never been bothered by the noise.

***Mayor Barford* clarified that until the Sandbar's Site Plan process is complete, the Commission will continue to consider approval of Special Events Permits for the weddings at the Sandbar.**

### **3. Discussion Regarding Australian Pine Removal at Gulf Front Park.**

*Mayor Barford* informed a study was conducted three years ago for the health of the dune system. Funds were appropriated at that time for the removal of Australian Pines along Gulf Front Park. It was proposed to remove Pines, which was budgeted and approved for removal by the Commission, prior to her taking office.

Mayor Barford explained that Mr. Tim Eiseler, EEEEC, requested use of the funds last March for the removal of the Pines. She asked that Mr. Eiseler hold off until June and unless the Commission directs her otherwise, five Australian Pines would be removed.

*Tim Eiseler*, EEEEC, addressed the Commission to answer any questions and provided the Commission with the history. He explained that former Mayor Sue Lynn decided there was a need for an objective scientific analysis and development of a management plan for the park to preserve the habitat and address the adjacent neighborhood issues in the process. The management plan as developed included:

- Closing off beach paths. Signage has been installed.

- Removal of Brazilian Peppers and continue to treat them so they will not grow back.
- Removed four Australian Pines and planned to remove five Australian Pines that are not providing shade or protection for residents or beach participants.

Mr. Eiseler stated that Commissioner Woodland had previously stated he did not want to see any studies be put on the back shelf. The Environmental Committee therefore placed \$9,000 in their budget for the removal cost. In addition, he has found several grants available this fall, noting that in the past he had been successful in obtaining 100% of the grants he had applied for.

Mr. Eiseler pointed out that the removal of the Pines had already been voted on and approved by the City Commission.

*Commissioner Miller* said he had received more mail, e-mail, and phone calls on this issue than on any other and felt there was a huge misperception. He clarified that the Commission were not going to remove all Australian Pines in the City. He informed it was recommended in the study that all Pines be removed along Gulf Front Park; however, a compromise was made to only remove the ones that are not accessible and are choking the environment around them.

*Commissioner Woodland* discussed the following results of the three options that were proposed at the time of the study.

- Everyone was in agreement to remove the Brazilian Peppers.
- Many wanted to remove all the Australian Pines along Gulf Park Drive and even along Gulf Blvd. Some did not want to remove any.
- The Commission agreed to not remove any on Gulf Blvd.
- It was agreed to leave the mature clumps but not allow them to expand.

*Commissioner Mattick* asked if the replanting of a different type tree in the dune system was an option.

*Mr. Eiseler* informed it could be accomplished but would be a separate phase of the project.

Commissioner Mattick asked if there was any program to prevent any new Australian Pines from growing.

Mr. Eiseler answered there was.

*Chair Quam* asked for a show of hands of those persons against the removal of the Australian Pines – the majority of those in attendance did raise their hand.

### **Public Comment**

*John Molyneux*, representing STOP (Stop Taking Our Pines), addressed the Commission as their spokesman. Mr. Molyneux informed that over 900 Anna

Maria and Holmes Beach residents and Island visitors had signed a petition against the removal of the Pines and felt they should be protected. He handed the Commission a prepared statement urging the City to cease funding or authorization of the tree removal, except for those trees, which threaten life or property.

Noting that some of the Pines were planted over sixty years ago, he felt the Pines should not be removed and should be protected. He did acknowledge that Australian Pines had done tremendous damage in the Everglades but no evidence of any damage in Anna Maria. He felt the Pines provided numerous benefits including providing shade, acting as a wind break, providing habitat for the nesting and migratory bird including the Night Heron nests, etc.

Mr. Molyneux referenced the Global Warming issue and discussed issues that may occur if it is not recognized and acted upon. He felt if no action is taken, the Island may ultimately become uninhabitable.

Mr. Molyneux asked that if the City has the required funds, they should be planting new trees and not cutting them down. He said STOP as a group was opposed to the removal of the Australian Pines and the use of taxpayer's funds for that purpose. He made reference to the recent Arbor Day celebration and planting of a tree.

*Mrs. Moss*, 101 Willow Ave, said approximately forty-five years ago her twin sons dug up small Australian Pines and planted them between her home and the Gulf and five along Gulf Front Park. Those trees have since thrived and have provided shade and cool breezes to Beach goers.

Mrs. Moss said her family and others are opposed to the removal of the Pines along Gulf Front Park.

*Resident*, 522 Pine Avenue, voiced concern about having to share their fifteen minutes of agenda time with Mr. Molyneux and not being allowed to each state their comments. She commented on the time allowed for discussion of the other agenda items and stated there was strong public support against the removal of the Australian Pines. She asked that the issue be brought to referendum.

*City Attorney Dye* informed the referendum process was set out in the City Code.

*Mayor Barford* asked that she meet with her to explore the referendum process.

*Nancy Deal*, Holmes Beach, said she was originally in favor of removing the trees, however, is now concerned about the future of the Island for her children and grandchildren.

Ms. Deal said the Pines were currently being used for the purpose of picnicking and protection of the cars on the Beach and felt there would be a void of shade and habitat if a Pine were to be removed. She also felt the Pines were holding the soil in place.

Discussion followed by Ms. Deal relating to replacing the Pines with Gumbo-limbo trees. Ms. Deal did not agree that would be an appropriate replacement due to their being fragile, branches are low to the ground and a person could not walk under them, and they may be a liability if a child were to climb on it.

*Margaret Jenkins*, Chilson Avenue, presented a prepared "Open Letter to the Commissioners, Mayor, and All Other Citizens of the City of Anna Maria Regarding Our Australian Pines" and asked them to review the information at their convenience.

*Barbara Parkman*, Holmes Beach, read a prepared poem regarding the cutting down of the Australian Pines.

**Chair Quam closed the Public Comment portion. He stated that the Commission understands the public's concerns and asked that the public be assured that the City is moving forward in a responsible and professional manner on this issue.**

*Commissioner Mattick* said valid points had been addressed. She agreed that the Gumbo-limbo trees should not be replanted in place of the Pines and felt there were other native trees that could be. She said she was opposed to removing any trees that provide shade to those going to the Beach but did support in having the proposed five trees removed.

In response to *Commissioner Woodland's* question, Mr. Molyneux said he was not in favor of replanting or neutering small sprouts, only to not remove the existing trees.

#### **4. Revisit Discussion to Propose a Stormwater Utility Fee.**

*Mayor Barford* said this item was originally brought before the Commission in 2003. Though it would not be considered for this budget year, she was presenting the proposal to the Commission for future direction in implementing a Stormwater Utility Fee.

*City Attorney Dye* explained the creation of a utility of the treatment of stormwater was authorized by Statute. The Statute allows the City to set up a Stormwater Utility and charge a fee for the services; however, the fee is limited in its use and can only be used for the stormwater system or capital improvements to the stormwater system.

City Attorney Dye reviewed the components required and discussed the need and process in determining the fee to be charged. An appropriate budget creation is also required. An appeal process is also allowed.

*Chair Quam* stated in 2005 eight meetings were held that included the involvement of the CIAC. He informed that in 2004 Resolution 596 was adopted to express the intent to use the uniform method of collection for stormwater fees. Discussion followed relating to his research of the minutes during that time.

*Commissioner Woodland* said at the time they approved the Resolution it was one of four options being explored as a way to fund the stormwater construction projects, however, the benefit they were looking for did not exist.

Now that the funding has been obtained for the stormwater construction projects, Commissioner Woodland said he is in favor of exploring the issue again for the purpose of utilizing the fees for improvements and an annual maintenance of the system.

**ACTION:** It was the consensus of the Commission that Mayor Barford proceed with pursuing a Stormwater Utility Fee.

## **PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

### **Australian Pine Issue**

*Tom Turner*, 815 N. Shore, said he believed that all Australian Pines on the right-of-way should be removed or topped if they interfere with the Power Lines.

Mr. Turner stated if a neighbor's tree were to fall on his property he would require they be responsible for its removal and any damage to his property.

Noting that many of the Pines were experiencing decay, he felt the trees were no longer stable.

## **ADJOURNMENT**

The meeting was adjourned at 8:57 p.m. on motion made by Commissioner Miller and seconded by Chair Quam. All Ayes.

The next regular Commission Meeting will be held on Thursday, May 24, 2007 at the Holmes Beach Council Chambers.

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Alice Baird, CMC, City Clerk