

**CITY OF ANNA MARIA
CITY COMMISSION
NOVEMBER 18, 2004
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Commission Chair John Quam, Commissioner Carol Ann Magill, Commissioner Dale Woodland, Commissioner Duke Miller

Absent with excuse: Deputy Commission Chair Linda Cramer

Also present: Ralf Brooks, Attorney; Christopher Collins, Mayor SueLynn, City Attorney Jim Dye, City Clerk Alice Baird; Minutes Clerk Sylvie Reichmann

Press: Sun, Islander, Herald

CONSENT AGENDA

1. **APPROVAL OF MEETING MINUTES: City Commission Meeting 10/28/04**
Commissioner Carol Ann Magill indicated that on the second page, third paragraph should read 'Code Enforcement Officer position', not 'Public Works uniforms'. She noted that on Page Five, it appeared that the words "name was misspelled" were omitted from the sentence.

MOTION: Commissioner Dale Woodland moved to approve the Consent Agenda, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

MOTION: Commissioner Duke Miller moved to approve the October 28th, 2004 minutes, as amended, seconded by Commissioner Carol Ann Magill.

Vote: All Ayes. Motion carried.

2. **REPORTS & UPDATES**

MAYOR'S REPORT

The Mayor announced that at last week's ITPO meeting it had been proposed to keep the trolley ridership free for the next five years, depending on the volume of ridership. She gave an update on the Willow trolley stop.

Commissioner Carol Ann Magill said that Metro Bench had indicated that there was a \$250 charge for the artwork, but had told her that it was not necessary to have it on the benches. She said that she had received agreement that Public Works staff could stencil the artwork, and asked the Mayor if she thought the \$250 charge was necessary. Mayor SueLynn said that from an administrative viewpoint, that she thought the trolley benches should match throughout the city. Mayor SueLynn confirmed that the benches should be ready within four weeks. Commissioner Carol Ann Magill confirmed that she would contact Deputy City Clerk Diane Percycoe relative to any payments on behalf of the Mosses.

Mayor SueLynn informed those present that the County is again pursuing the idea of becoming a Charter County. She said that she was adamantly opposed to this taking place. The Mayor said that a County charter could supercede any ordinances in place in the City, and cautioned that a Charter County could mean the end of home rule on the Island. Mayor SueLynn said that she had invited County Commissioner Jane van Hahmann to address Island commission meetings in December and gather input from local constituents.

5. SETTLEMENT AGREEMENT REGARDING PERICO ISLAND DEVELOPMENT

Attorney Ralf Brooks said that mediation had been achieved and introduced Kevin Hennessey of Lewis Longman & Walker P.A. to present the results of the mediated settlement agreement. Mr. Hennessey said that the agreement, copies of which were distributed to those present at this meeting, had also been presented to the other Island cities.

He said that the issue was that the sland was already developed, with four to eleven units per acre, and State Road 64 splitting it in two. The attorney for Arvida / St. Joe said that the project was going to only have a density of less than three units to the acre (having been reduced by 23%), and commercial developments plans to serve the development had been dropped. He said the remainder of the farmland on the east side could be preserved at the option of the County, should it wish to purchase the land. Mr. Hennessey said that now the entire mangrove fringe would be maintained and restored, i.e., exotics would be removed. He said buffers would be placed between the development and the wetlands and the mangrove fringe. The attorney for St. Joe's noted that the plan conforms with the County's Comprehensive Plan. He said that St. Joe's had agreed to reduce the building heights on the west side of the property, with a plan to stagger heights higher as the buildings are removed from that side, and to space the buildings apart so as not to create a 'wall effect'. Mr. Hennessey said that the buildings nearest the water would be obscured by the mangrove fringe when viewed from the water.

Mr. Hennessey said that the settlement would be binding and less costly to all parties. He said the parties concerned had worked long and hard on the agreement and that changes had been made to benefit this community. Kevin Hennessey suggested that it would be in the Commission's best interests to execute the agreement.

Mr. Hennessey confirmed to Commission Chair John Quam that additional units could possibly be put on the east side if the option to buy is not exercised by the County within three years. He then reviewed the hurricane evacuation plan for Commissioner Carol Ann Magill. Ralf Brooks, attorney for local interests (including the City of Anna Maria) opposing the development, said that only a fraction of a minute had been added to the overall evacuation time on the route.

Commissioner Dale Woodland asked for clarification where the agreement read that St. Joe would continue to pursue staggering the heights of the buildings. Ralf Brooks described the way the heights and units were related, both to each other and to the bay. He noted that while it is unfortunate that a view that is now wild would soon include buildings, the Comprehensive Plan allowed for this to occur. Mr. Brooks said that St. Joe's had agreed to meet the highest standards (Florida Outstanding Waters) relative to discharge into the Bay.

Mayor SueLynn asked if any impact fees would be coming in to the Island cities and Mr. Brooks responded that this question had also been asked by the City of Bradenton Beach, and would be looked into. The attorney said that impact fees need to be viewed as fees that are collected from the development and spent back specifically to mitigate any negative impact the development has had. He said that impact fee ordinances have maps that depict the areas where the money is to be collected, and where it is to be spent back, and that he could request that lines be redrawn, if necessary. Mr. Hennessey confirmed to the Mayor that the units would be for sale, and were not expected to be rental properties. Mayor SueLynn said that she objected to the addition of a traffic light on State Road 64, as this would impact traffic congestion on the bridge.

MOTION: Commissioner Dale Woodland moved to accept the City of Anna Maria Mediated Settlement Agreement regarding the Perico Island Development, seconded by Commission Chair John Quam.

Commissioner Miller said he would vote against the agreement because he believes that the Island communities will soon be overrun. Attorney Ralf Brooks said that not voting in favor of the agreement would cost the City a great deal of money and include the risk that Arvida - St. Joe could be awarded the go-ahead for the denser plan originally submitted and challenged.

AMENDED MOTION: Commissioner Duke Miller moved to amend the motion to accept the City of Anna Maria Mediated Settlement Agreement regarding the Perico Island Development, with objections and concerns as duly noted, seconded by Commissioner Carol Ann Magill.

Roll Call Vote: Commissioner Dale Woodland: Aye; Commissioner Carol Ann Magill: Aye; Commission Chair John Quam: Aye; Commissioner Duke Miller: Nay

MOTION: Commissioner Duke Miller moved to accept the City of Anna Maria Mediated Settlement Agreement regarding the Perico Island Development, with objections and concerns as duly noted, seconded by Commissioner Carol Ann Magill.

Roll Call Vote: Commissioner Dale Woodland: Aye; Commissioner Carol Ann Magill: Aye; Commission Chair John Quam: Aye; Commissioner Duke Miller: Nay

Commissioner Duke Miller said that what happened here underscores the need to have a Comprehensive Plan and LDR's in place. He also said that this was a forerunner of what to expect from the loss of home rule. The Commissioner went on record as saying that he was strongly against the development.

Ralf Brooks said that if the parties pursued the lawsuit, the winning party's attorney's fees would become the responsibility of the losers. Mr. Hennessey said that St. Joe was looking to end opposition with this mediated agreement. He reminded those present that if any of the parties decided not to go along with the agreement, St. Joe would have the option of going with their original plan. Mr. Brooks said that Manasota 88 and Joan Perry were still considering the agreement. He said that it would be important for the Island cities to act as a unified front and accept the agreement.

Commission Chair John Quam and Commissioner Duke Miller said it sounded like there was little choice left to the City but to sign the agreement.

Public Comment

Jim Conoly said that the Commission should look carefully before signing the agreement and should see what, if anything, they could lose.

Margaret Jenkins of Chilson Avenue said that she disagreed that the hurricane evacuation would not be negatively affected, and recommended that a small bridge be built to northwest Bradenton. She expressed concern for the proposed project's effect on the already overtapped water table.

Georgia van Cleave of Magnolia Avenue said that she felt the people of Anna Maria needed to protect Perico Island, although from an aesthetic point of view, the city is less affected than Holmes Beach. She said it unfortunately was an inevitability that the project would move forward, but she recommended voting for the mediated agreement.

Shirley O'Day recommended agreeing with prejudice or tabling the agreement.

6. FIREWORKS DECEMBER 4th - \$1,000 donation - Line Item Transfer Required

Commissioner Carol Ann Magill said that she objected to the donation because it was contributing tax dollars to a business entity. Commission Chair John Quam and Commissioner Duke Miller agreed. **Commission Chair John Quam confirmed that the Commission was thereby informing the Mayor that it wished to deny the request.**

7. **CONTINUED - SECOND READING AND PUBLIC HEARING - ORDINANCE 04-625, AMENDING SEC. 114-242, SEC. 262, SEC. 114-282 STRUCTURES WITHIN R-2, C-1, ROR AND PSP ZONING DISTRICTS, PROVIDING FOR RESTRICTIONS ON THE PLACEMENT AND NUMBER OF STORIES OR HABITABLE FLOORS**

Commission Chair John Quam noted that the process of clarifying the Code had been ongoing for the past couple of years. He recommended that the Comprehensive Plan Ad Hoc Committee review this ordinance and incorporate it into its work. In the meantime, if there is an application, the Building Official could direct it straight to the Commission while work on the Code and the Comp Plan is still underway.

Commissioner Dale Woodland expressed the view that the Commission needed to tighten up the Code right away.

Commission Chair John Quam and Commissioner Carol Ann Magill said that they would be in favor of going along with the ordinance, but removing references to specific height, and there was consensus for this.

Commissioner Duke Miller suggested that City Attorney Jim Dye look into the ordinance relative to the Burt-Harris Act. City Attorney Jim Dye responded that the Burt-Harris Act is very unpredictable, but he personally doubted that losing one floor out of a possible three would appear to be a significant taking.

Commissioner Carol Ann Magill confirmed with City Attorney Jim Dye that language clarifying that the ground floor is the same as the first floor could be added to the ordinance.

Commission Chair John Quam read the ordinance by title.

Public Comment

Esther Mattick, 520 Magnolia asked the status of the lawsuit. City Attorney Jim Dye responded that the lawsuit was pending. Joan Mattick said that she believed that anyone who owns an ROR property should be able to have the same living area as anyone else who has a residence in the City.

Tara Coleman of Magnolia said that taxpayer money was being spent for the lawsuit and asked what impact this would have on the Comp Plan and LDR's. City Attorney Jim Dye responded that there would be none.

Nicki Hunt of Pine said that she thought the original intent of ROR was to have residences over businesses, and objected to the reduction in living area. Commission Chair John Quam responded that in Policy 1.3.5 of the Comprehensive Plan, the language was already in place, and that this ordinance was simply clarifying that language.

MOTION: Commission Chair John Quam moved to table this agenda item until the date for the next regular Commission meeting is set, seconded by Commissioner Carol Ann Magill

Vote: All Ayes. Motion carried.

8. SET MEETING DATE FOR REGULAR DECEMBER MEETING (HOLIDAY - DEC. 23, 24)

December 16th, 2004 at 7:00 p.m.

MOTION: Commission Chair John Quam moved to untable agenda item #7, seconded by Commissioner Carol Ann Magill.

Vote: All Ayes. Motion carried.

MOTION: Commission Chair John Quam moved to continue the public hearing on Ordinance 04-625 until 7:00 p.m. on December 16th, 2004, seconded by Commissioner Carol Ann Magill.

Vote: All Ayes. Motion carried.

PUBLIC COMMENT

Georgia van Cleave of Magnolia said that the best land use was condominiums, but this is a land use that is not allowed in the City of Anna Maria. City Attorney Jim Dye said this is an issue between the landowner and the property appraiser.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Duke Miller moved to adjourn the meeting, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Alice Baird
City Clerk

December 17th, 2004
Date