

**CITY OF ANNA MARIA  
CITY COMMISSION WORK SESSION  
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
THURSDAY, MAY 14, 2009  
7:00 P.M.**

**CALL TO ORDER**

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

**PRESENT:** Mayor Fran Barford, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Chuck Webb.

**ABSENT:** Commissioner Jo Ann Mattick.

**Staff present:** City Clerk Alice Baird, Building Official Bob Welch, City Planner Alan Garrett, City Attorney Jim Dye, and Minutes Clerk Stacey Johnston.

**Press present:** Sun, Islander.

**1. Community Center.**

*Tom Breiter, Carol and Bob Carter, and Pierrette Kelly* was in attendance representing the AMI Community Center.

Mr. Breiter provided an update on the Community Center. He informed that the Community Center's budgets had been reduced to what they were approximately four years ago. Staff has been cut through attrition, expenses cut, and revenues have been reduced by the economy. He informed that a building fund from the recent renovation remains outstanding and \$650,000 still needs to be raised for payback of the loan.

Mr. Breiter provided a break-down of how the Community Center was funded – United Way, grants, and donations = 20% of budget; fundraising events sponsored by the Community Center = 28%; program and membership user fees = 28%; endowment = 3%; county funding = 15%; and Island funding from the City's = 6% with Anna Maria's contribution amounting to 2 to 3%. The Center staffs one Administrator (Pierrette Kelly) and one Assistant Administrator (Scott Dell). There are 4 full-time employees and several part-time employees.

Mr. Breiter provided a recap of a recent survey conducted by the Community Center. As a result of the surveys, the perception is that the Community Center is no longer a gathering place for the Island. They hope to determine the reason for that perception. Also, the surveys indicated that the Center's programming focuses on the kids rather than the older community residents. Therefore, the Center has determined that the #1 goal in moving forward is to develop a more effective communications plan through their website, mailings, newsletters, etc.

The City Commission was encouraged to provide any advice and expertise on how to establish a more effective partnership with all three Island cities and with Manatee County. Mr. Breiter asked that the City deliver on the Comprehensive Plan recreational component. He also said he hoped that the City would assist with obtaining grant opportunities for the Center.

*Chair Quam* asked if any stimulus dollars would be available. *Mr. Breiter* said he would check into that possibility.

*Pierrette Kelly*, Community Center Administrator, said they enjoyed working with the community and wanted the Commissioner's feedback and input.

## **2. Review of the Following Land Development Regulations.**

### **a. Floor Area Ratio Concept, Determination of the Minimum Base, and Providing Incentives.**

*City Planner Garrett* said he had researched other city codes and was presenting definitions he felt best for Anna Maria.

Planner Garrett explained the definitions Floor Ave Ratio (FAR) and Gross Floor Area in detail. Explanation followed regarding what the current floor area ratios are for residential structures. He pointed out that the total building coverage would always override the setbacks. Examples were provided.

Planner Garrett stated that if the City were to provide incentives for different standards in a building type, the base FAR would need to be lowered. Certain design standards on the building would be required in order to start raising the FAR. FAR architectural detail incentive examples were provided for increasing the FAR.

*Commissioner Woodland* stated he had a change of heart relating to the development in the City. He said most all resident comments were opposed to the City making any changes due to taking away the flexibility of architects, builders, and homeowners. He pointed out that each Commissioner had different architectural tastes and opinions. It was his opinion that the construction should be within the legal aspects; however, incentives should be established to encourage the cottage look in the City. Commissioner Woodland said in place of a sliding scale concept, he suggested the Commission consider placing a cap on the square footage – limit single-family to 10,000 sq. ft.

*Commissioner Tollette* said she was a firm believer in property rights and was never in favor of the proposed concept. She felt when the site plans were brought in for approval; the Building Official could at that time discuss options with the property owner for construction that would fit into the community. She said she would be in favor of limiting the single-family structure to 10,000 sq. ft.

*Commissioner Webb* felt the consensus of the community is for it to remain as it and that the City needed to be more proactive, address the problem, and resolve it.

*Chair Quam* stated that residents have complained about their views of the Gulf being removed due to the large homes being built next to them. It was his opinion that the issue of box type homes needed to be addressed. He suggested

the P&Z review the concept and provide a recommendation back to the Commission.

*Building Official Welch* said of all systems he had seen, the FAR system was the most fair. It would allow a homeowner to maximize their yards and would encourage building to be creative in their architectural design.

*Commissioner Tollette* stated that the concept would not element building to the 37-feet. She asked that visuals be provided for her review.

*Planner Garrett* responded. He then stated that pervious and impervious needed to be better defined. Discussion followed relating to pervious bricks and on-site retention.

### **Public Comment**

*Tom Turner*, 850 N. Shore Dr., felt the FAR Concept and 2.b. Non-Conforming Use should be discussed first by the P&Z Board. It was his opinion that the 35% for construction and 5% for pervious should be established.

*County Commissioner Carol Whitmore*, Holmes Beach, agreed that the builders are forced to build with a combination of each of the Island Cities regulations. Therefore, the cities are not giving developers the opportunity to be creative. The developers are being forced to build the box construction to avoid having to go before the Commission, P&Z Boards, etc. which is costly to the developer. She felt the City's should encourage the developers to build how each City wanted but make sure it was financially feasible for them.

*Robin Wall*, 112 Palmetto, agreed the FAR concept should go before the P&Z Board for their recommendation. She felt the FAR concept allowed for creativity.

*Margaret Jenkins*, Chilson Ave., stated that the Florida house in Sarasota has had permeable cement in their driveway.

**ACTION:** It was the consensus of the Commission that the Floor Area Ratio Concept, Determination of the Minimum Base, and Providing Incentives be forwarded to the P&Z Board for their May 19, 2009 meeting with P&Z recommendations to be brought back to the City Commission for their May 28, 2009 regular meeting. Planner Garrett will provide a follow-up on permeable concrete services and visuals will be provided at the May 28, 2009 meeting.

### **b. Non-Conforming Use.**

*Planner Garrett* addressed the changes that needed made. He referred to the current language in Sec. 114-133. Nonconforming uses. Planner Garrett said due to 99% of nonconforming uses not being listed in the permitted section, staff recommends that - (a) (2) The use exists at a density in excess of that allowable

for the zoning district in which it is located - should be removed from the Code. Justification followed.

*Commissioner Webb* stated that in his experience, nonconforming uses are savings clauses. It was his opinion that Sec. 114-133 (a) (2) should remain in the Code. He felt removing the language was actually the opposite of what the City was trying to do. Commissioner Webb gave the example of a home burning down and whether or not it could be rebuilt.

*City Attorney Dye* said he was unsure an existing “use” could be “too dense” and did not feel the City was correctly identifying the way to regulate the issue. He pointed out that if residential density is too high, it means the lot is too small. He informed that the City already has an Ordinance with a savings clause on non-conforming lots by size.

*Building Official Welch* advised that damage and reconstruction clauses were built into the chapter.

*Commissioner Webb* suggested that a savings clause be added for non-conforming lots. Discussion followed. He suggested that he, Planner Garrett, and City Attorney Dye meet relating to the issue of non-conforming use and structure and then forward their comments on to the P&Z Board for their recommendations.

*Planner Garrett* informed that the P&Z had dealt with the issue in the past but that it would be good to revisit it.

*Planner Garrett* discussed an additional issue that was felt needed addressed in the Code – Sec. 114-134 (f) Alteration and repairs. He suggested that language read as follows: “(f) *Alteration and repairs*. Normal maintenance and repair, *including but not limited to roof replacement*, of a nonconforming structure is allowed, provided it the roof replacement does not increase the degree of nonconformity or extend the total habitable floor area occupied by the nonconforming structure.” Explanation followed.

#### **Public Comment**

*Robin Wall*, 112 Palmetto, referred to the March 26, 2009 meeting when the Residential District Ordinance was amended. She voiced concern that small duplexes will be built out into large condo units. She stated it was her opinion that duplexes were nonconforming uses and could not expand.

**ACTION:** It was the consensus of the Commission that the review of the Non-Conforming Use is forwarded to the P&Z Board for their recommendation. City Attorney Dye will also recommend specific language changes throughout the section.

**3. Interlocal Agreement to Manage the Docking Permits and Oversight in Manatee County Water Surrounding AMI.**

*Mayor Barford* informed that issues have occurred that indicate the shared boundaries between Anna Maria, Manatee County, and Holmes Beach should be reviewed and adjusted. The City Attorney, Planner, and Building Official have all been involved with the process.

*City Attorney Dye* informed that the code enforcement action on the Fiske property and the variance for a boat dock on Blue Heron triggered the City into researching the corporate boundaries of the City of Anna Maria. As indicated in the corporate limits for Anna Maria, it reads that the corporate limits stop at the water's edge. Therefore, the issue of certain structures and land that straddles the water and land needs to be addressed. (Docks, City Pier, etc.) He suggested that the entire area be governed by one regulatory control.

According to City Attorney Dye, the Cities of Bradenton, Palmetto, Longboat Key, and Bradenton Beach have all taken in waters as part of their corporate limits.

In a separate issue, the County was performing survey work in leading up to the 2010 census. It was determined that there was a portion of Holmes Beach described in both the Anna Maria and Holmes Beach city limits. A map was presented to the Commission for their review.

City Attorney Dye said he had spoke to the County Attorney who had agreed to work with the City relating to the boundary overlap. However, the City Commission would need to take formal action in order to start the negotiating process. Explanation of the Statute governing the issue followed.

City Attorney Dye further discussed the regulatory water issue. He pointed out if the City were to take in a portion of the water into the corporate limits, issues that would need to be addressed include determining how far out to go, law enforcement issues, speed zone enforcement on Bean Point, should Gulf side be at the waters edge, should the two piers on the Gulf side be in the City limits, and determination if Bimini Bay would be in Anna Maria or Holmes Beach or shared by both, etc.

City Attorney Dye has drafted a Resolution and letter to be signed by the Mayor as outlined in the Statute prior to entering into negotiation with the affected parties.

It was announced that the applicant requesting the variance on the Blue Heron dock has withdrawn his application. Also, Manatee County has informed they do not want jurisdiction over the dock.

*Commissioner Webb* suggested that he be authorized to meet with City Attorney Dye relating to certain procedural issues involved.

**ACTION:** It was the consensus of the Commission to move the issue of the Interlocal Agreement to Manage the Docking Permits and Oversight in Manatee County Water Surrounding AMI forward for consideration at the May 28, 2009 Commission Meeting.

**Public Comment**

*Glenn Marcum*, Anna Maria, and representative for the Manatee Sailing Association, asked where the control of the water would stop.

*Commissioner Webb* responded that a bill has been proposed in the State Legislature addressing the Right of Navigation, which is federally controlled.

**4. Review Liaison Assignment Responsibilities.**

In conjunction with the Commission attendance policy, *Commissioner Tollette* said she wanted to address the responsibilities of the Commissioner's that have liaison assignments on behalf of the City. She felt the responsibilities should be clarified and suggested that each liaison should be required to attend the assigned meetings and provide an oral or written report every month. She felt if a Commissioner were unable to attend, the meeting Chair should be contacted and a copy of the minutes and meeting recap obtained.

Commission discussion followed. It was the majority agreement that due to time involvement, the liaisons would only be responsible to attend the meetings if discussion would be held relating to a City issue. *Mayor Barford* encouraged the Commission to attend the meetings they serve as liaisons for on an as-needed basis and make reports on issues relating to the City.

Discussion followed relating to any Sunshine conflict with *Commissioner Webb* serving on the Chamber Board and also as the Chamber's Attorney and *Commissioner Tollette* serving as the liaison. City Attorney *Dye* said he would research the issue and report back. He will also check to see if *Commissioner Webb* could be both on the Board and also serve as the liaison.

*Commissioner Webb* pointed out that the Chamber appreciates when a representative from the City Commission is in attendance.

**Comments by the Mayor**

**Report on Burglaries in Anna Maria**

*Mayor Barford* informed that four burglaries have recently occurred in the City that may be in conjunction with others in Longboat Key. Law Enforcement is working hard to resolve the issue. She encouraged the businesses and homeowners to be more safety conscience. The Sheriff's Department will be contacting all businesses to review safety procedures. Mayor Barford will be meeting with the Sheriff's Unit the following week and public awareness programs will be addressed.

**City E-mail Update**

Each Commissioner has been set up on the City's new e-mail system. Contact the City with any questions or concerns.

**Complaints Received – Feeling Swell Restaurant**

*Mayor Barford* advised that there have been complaints relating to the new restaurant, Feeling Swell, in regard to noise and public drunkenness. She stated that Bill Staley, business owner, has advised the business has a new manager and all teen activity events have been cancelled. The amplified music on the patio has been discontinued and he is commented to making the business a successful venue.

**Public Comment on Agenda Items Only**

It was clarified for *Tom Turner*, N. Shore Dr., that both the Floor Area Ratio concept and the Non-Conforming Use Land Development Regulations would be forwarded to the P&Z Board for their recommendation.

**Press Comments – None.**

**Adjournment**

**Chair Quam adjourned the meeting at 8:56 p.m. Commissioner Woodland seconded the motion. Motion carried – Aye.**

**The next regular Commission Meeting will be held Thursday, May 28, 2009.**

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**Alice Baird, CMC, City Clerk**