

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JULY 24, 2008
5:00 P.M.**

CALL TO ORDER

Commission Chair Quam called the Meeting to order at 5:05 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, and Chair John Quam.

Absent w/excuse: Deputy Chair Christine Tollette, and Commissioner Duke Miller.

Staff present: City Clerk Alice Baird, Finance Director/ Deputy City Clerk Diane Percycoe, Public Works Director George McKay, City Attorney Jim Dye, Building Official Bob Welch, City Engineer Wilcox, and Minutes Clerk Stacey Johnston.

Press present: Islander

Chair Quam reminded that the Commission meetings have been changed from 7:00 p.m. to 5:00 p.m. during the months of July and August 2008.

1. Approve Minutes of June 26, 2008.

MOTION: Commissioner Woodland moved that the June 26, 2008 City Commission Meeting Minutes be approved. Commissioner Mattick seconded the motion.

Motion carried – All Aye.

2. Commission Reports – None.

3. Mayor's Report

Stormwater Phase I Project Update

Mayor Barford informed that the Stormwater Phase I project will begin on August 4, 2008. The contractor will be Adkins Construction.

Stormwater Phase II Project Update

The public workshops will begin August 18, 2008.

BIEO Update

The BIEO, hosted by the City of Anna Maria, met last week with a trip to Port Manatee. Many public officials attended from the Island, along with forty additional public guests. The next meeting will be held on August 6, 2008 at 1:30 p.m. and will again be hosted by the City of Anna Maria. Congressman Vern Buchanan will be addressing the members at that meeting.

ITPO Meeting Update

The bridge closure will remain as originally planned and will remain closed through the month of October and part of November 2008.

Manatee County Budget Work Session

Mayor Barford stated she would be attending the July 30, 2008 County Budget Work Session that will begin at 1:30 p.m. Trolley concerns and the security contracts for the county parks on the Barrier Island will be discussed at that meeting. Mayor Barford asked for Commission support and invited them to attend with her, if possible.

FEMA Preparedness Meeting

Finance Director/Deputy City Clerk Diane Percycoe and Public Works employee Gary Thorpe will be attending the FEMA Preparedness Meeting the following week in Maryland.

Florida League of Cities Conference

Mayor Barford will be attending the FLC Conference on August 14 and 15 in Tampa.

--- *Chair Quam* announced that an additional item would be added to the Agenda – (See Item # 13) for consideration of Waiver of Building Fees in the amount of \$670 for the Island Players for repair work at 1009 Gulf Dr.

4. Attorney request for Shade Meeting at 6:30 p.m. July 24, 2008.

City Attorney Dye requested a Shade Meeting to be held at 6:30 p.m. that evening for the purpose of the following cases:

- Olesen vs. City of Anna Maria – Dispute again between the City of Anna Maria and the Olesens' over the beach path. The Olesen's Attorneys have forwarded a proposed motion to City Attorney Dye regarding a settlement agreement.
- Gee vs. City of Anna Maria and Olesen – Judge Logan issued his order relating to the variance issue. City Attorney Dye is asking for Commission direction for moving forwarding on the order.

MOTION: Commissioner Woodland moved to set a Shade Meeting for Thursday, July 24, 2008, 6:30 p.m. for the purpose of Olesen vs. City of Anna Maria and Gee vs. City of Anna Maria and Olesen. Commissioner Mattick seconded the motion. Motion carried – All Aye.

5. Legislative Update – Representative Galvano.

Chair Quam announced that Representative Galvano was unable to attend that evening and would be addressing the Commission at their August 28, 2008 Commission Meeting.

6. Phase I Stormwater Project – Revised Change Order #2 with Adkins Construction and Authorization to Draw Down \$1,000,000 from Line of Credit for Stormwater Projects.

Mayor Barford read a memo received from Commissioner Tollette relating to Agenda Items # 6 & # 7. Commissioner Tollette concurs that the City should proceed with the project and approve the draw down and of Supplement # 1.

City Engineer Tom Wilcox informed no comments were received as a result of the publication of SWFWMD's final action relating to the Environmental Resource Permit.

Engineer Wilcox stated that Change Order # 2 has been discussed with Mr. Adkins. August 4, 2008 will be the date to begin work with a 180-day completion date ending January 31, 2009. According to Engineer Wilcox, Mr. Adkins believes the work will be completed prior to that date.

MOTION: Commissioner Woodland moved to approve and give authorization for the Mayor to sign Revised Change Order # 2 with Adkins Construction dated July 14, 2008, with the adjusted contract amount with contingency in the amount of \$446,814.73, with further approval for Adkins Construction to begin work August 4, 2008. Commissioner Mattick seconded the motion.

Public Comment

Jim Conoly, N. Shore Dr., said he was glad to see the City move ahead on this project. He asked where the central point would be for public review of the project drawings, correspondences, historical information, etc.

City Clerk Baird informed that the City follows all State required guidelines relating to public records. All records are kept in the office they are generated from – financial records / Finance Department; maps / Public Works; correspondence / City Clerk's Office, etc. She said if a citizen requests a public record it would be provided to them.

Mr. Conoly said he would prefer all the records be located at one central point so they can be reviewed. He hoped to not have to request a specific document that he may not know the name of or even knew existed.

Mayor Barford said the City would follow the requirements set out by Statute. She noted all correspondence from HDR, along with all other project correspondence, is in the City's read file.

Engineer Wilcox pointed out the City has limited storage space so it would be difficult to duplicate all records for placing in one central area. He informed all the documents in his office are electronic and would be available if requested.

Mayor Barford informed Mr. Conoly that if he wished to speak directly to Engineer Wilcox he would need to get her authorization first.

ACTION: Motion carried – All Aye

MOTION: Commissioner Mattick moved to authorize the Mayor to draw down on the line of credit in the amount of \$1,000,000 to be placed in the Capital Improvement Fund for Stormwater Projects. Commissioner Woodland seconded the motion. Motion carried – All Aye.

7. Phase I Stormwater Project – Supplemental Agreement #1 to Task Order #2007-01 for Engineering Services.

Chair Quam asked what the total engineering design costs would be for the project. Discussion followed.

MOTION: Commissioner Mattick moved to approve and authorize the Mayor to sign supplemental agreement #1 to Task Order #2007-01 for Engineering Services dated June 24, 2008 with HDR Engineering, Inc., amending the engineering fee amounts for design and permitting in the amount of \$158,750 and fees for bidding and construction phase in the amount of \$40,000. Commissioner Woodland seconded the motion. Motion carried – All aye.

8. Amend Site Plan Procedures – First Reading – Ordinance No. 08-690.

City Clerk Baird read the Ordinance by title.

Chair Quam suggested the Commission forward the Ordinance to the P&Z Board for their review prior to Second Reading.

City Attorney Dye presented the proposed Ordinance change to the Commission. The Commission reviewed it in detail. After lengthy review, along with comments and suggestions received by Building Official Welch, the following changes were made to the proposed Ordinance:

- Pg 1 – Change ‘project’ to ‘projects’ - (Second **Whereas** paragraph)
- Third **Whereas** paragraph – City Attorney Dye to review for wording

Pg 3 – (b) to read as follows:

(b) The applicant shall have **eighteen** months from the issuance of the order granting preliminary site plan approval to obtain the final site plan approval for the subject major development. An applicant may request up to **six additional months** for compliance with this requirement at the time of preliminary site plan approval. If final site plan approval is not obtained within the timeframe set by this section, or by the order granting preliminary site plan approval, as the case may be, the application for the proposed major development shall expire and be of no further effect. The body granting preliminary site plan approval may grant an extension by this time frame for good cause. The extension of time shall not exceed **six months**. The applicant must file a request for extension of time with the city before expiration of the time granted for approval of the final site plan. The request for extension shall contain the applicant's grounds for extension. The request for extension of time shall be heard by the **administration**. A request for extension of time properly filed with the city shall extend the validity of the preliminary site plan approval until such time as the **administration** shall act on it.

Pg 4

Pg 5 – Sec. 74-356. Building Permit

Change 'six months' to read 'twelve months' – 1st sentence.

Change 'city commission' to read 'administration' as the reviewer throughout.

Public Comment

Jim Conoly felt on Pg 4, (e) that 'substantially complies' terminology could be very subjective.

City Attorney Dye responded that approval of a Site Plan falls under the Quasi-Judicial decision and explained why that terminology was used. He said he would be reviewing the Ordinance again to check for any readability areas prior to it being forwarded to the P&Z Board.

ACTION: **City Attorney Dye will make the agreed upon changes to the proposed Ordinance prior to forwarding it to the P&Z Board for their consideration at their August 5, 2008 meeting. The Commission will consider Ordinance 08-690 for Second Reading at their August 24, 2008 Commission meeting.**

9. Establishment of Environmental Enhancement and Education Committee Official Status – Resolution No. R08-638.

City Clerk Baird read the Resolution by title.

Commissioner Mattick asked for clarification of the second sentence under Section 1. Created Membership.

City Attorney Dye acknowledged that it should read – The Commission **shall be** composed....

MOTION: **Commissioner Mattick moved to adopt Resolution R08-638 as amended. Commissioner Woodland seconded the motion.**

On roll call vote the motion carried unanimously.

10. Proposed Fulltime Building Official Agreement with MT Causley.

Mayor Barford informed that the Commission discussed this item at their July Work Session. She stated that the Building Official would work the 40 hours per week.

City Attorney Dye pointed out that paragraph 3. Compensation of the contract, should be changed in two locations from 'twenty hours of service' to read 'forty hours of service'.

MOTION: Commissioner Mattick moved to approve and give authorization for the Mayor to sign the agreement and proposal and rate sheet dated June 2, 2008, from M.T. Causley, Inc., for Fulltime Building Official Services in the amount of \$2,500 per week, based on 40 Hours per week, as amended. Commissioner Woodland seconded the motion. Motion carried – All Aye.

11. Anna Maria Chamber of Commerce Request to Waive Special Event (with Alcohol) \$500 Fee for Island Bayfest.

Chair Quam reminded that the City Commission recently approved the charging of the \$500 Special Event Fee based on the City's in-house costs.

Mayor Barford explained the process involved when an applicant applies for a Special Event Application with alcohol. She informed an assigned staff member processes the application. It is then forwarded to the Law Enforcement, Public Works Department, Fire District, and to the Manatee County Transit – then back to the City for placing on the Commission agenda. A tracking process is required.

Mayor Barford informed that the Island Bayfest is the biggest event held in Anna Maria. The event will include alcohol and will involve street closing, intrusion into the neighborhoods with parking and foot traffic, and the neighbors will be affected by the noise. The Trolley is rerouted through the residential areas and the infrastructure on the streets is impacted. The Public Works will put in at least four hours placing barricades, picking them up, and securing them. The Chamber will hire additional Law Enforcement. It was noted that this year's event will be held during the Manatee County Bridge closure and the normal crowds are not anticipated.

Mayor Barford said she would support a waiver of the fee but not on perpetuity. She stated that Commissioner Tollette had indicated she would support giving some consideration this year since it will be taking place during the bridge closure.

Chair Quam said he was concerned about setting precedence.

Commissioner Mattick asked for clarification between non-profit versus not-for-profit. (Chamber is a not-for-profit organization) She asked if considerations would be made for other not-for-profit organizations.

City Attorney Dye said he had never looked at the Chamber's structure but that they served as a not-for-profit, which would not be a charity and would serve as an organization.

Commissioner Mattick asked if the Fire District charged for review of the application. *Mayor Barford* said not at this time.

After discussion, *Building Official Welch* pointed out that the Ordinance allows for reducing the fee with alcohol to \$200.

MOTION: Commissioner Mattick moved to approve reducing the Special Event Fee on a one-time basis for the Anna Maria Chamber of Commerce for the Island Bayfest from the \$500 Fee to the reduced fee of \$200. Commissioner Woodland seconded the motion.
Motion carried – All Aye.

12. DR420 – Establishing a Date, Time, & Place for First Public Budget Hearing FY 08/09 & Set Tentative Millage Rate.

Finance Director/Deputy City Clerk Percycoe reminded that the Commission had reviewed the proposed budget at their July 22, 2008 Budget Work Session.

MOTION: Commissioner Woodland moved to approve that the First Public 2008 – 2009 Budget Hearing be held on Wednesday, September 10, 2008, at 5:30 p.m., at the City of Anna Maria City Hall Chambers, 10005 Gulf Drive, Anna Maria, Florida, and that the Tentative Millage Rate be set at 1.7882 mills. Commissioner Mattick seconded the motion.
Motion carried – All Aye.

13. Consider waiving the Building Permit Fee for the Island Players.

Building Official Welch said he was approached by the Island Players with a request to waive their building permit fee in the amount of \$670 for repair work at 1009 Gulf Dr.

MOTION: Chair Quam moved to approve that the City of Anna Maria waive the Building Permit Fee for repair work at 1009 Gulf Dr. in the amount of \$670 for the Island Players. Commissioner Mattick seconded the motion.
Motion carried – All Aye.

14. Consent Agenda.

MOTION: Chair Quam moved to approve the Consent Agenda. Commissioner Mattick seconded the motion.
Motion carried – All Aye

15. REPORTS AND UPDATES.

- b. Sheriff's Report (Written)
- c. Building Department Report (Written)
- d. Public Works Department Report (Written)
- e. Code Enforcement Report (Written)
- f. City Pier Report (Written)
- g. Ordinance Update (Written)
- h. Resolution Update (Written)
- i. Financial Report (Written)
- j. Line of Credit Report (Written)

Public Comment –

Finance Director/Deputy City Clerk Percycoe addressed Chair Quam's question relating to the total cost of the Phase I project. She explained that there was a \$119,045 reduction to the original amount for a new total cost of \$645,554.

Press Comment – None

Adjournment.

On motion made by Chair Quam and seconded by Commissioner Woodland, the meeting was adjourned at 6:20 p.m. Motion carried unanimously.

The next regular meeting is scheduled for Thursday August 28, 2008.

Alice Baird, CMC, City Clerk

Minutes approved: _____