

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JANUARY 22, 2009
7:00 P.M.**

Note: The Citizen of the Year Award was presented to The Island Sun at a ceremony held in the City Commission Chambers at 6:30 p.m. prior to the Regular City Commission Meeting. The Regular City Commission Meeting immediately followed the presentation.

CALL TO ORDER

Commission Chair Quam called the meeting to order at 7:02 p.m.

PLEDGE TO THE FLAG

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

Staff present: City Clerk Alice Baird, Finance Director/Deputy City Clerk Diane Percycoe, Code Enforcement Officer Gerry Rathvon, Public Works Director George McKay, City Attorney Jim Dye, City Engineer Tom Wilcox, and Minutes Clerk Stacey Johnston.

Press present: Sun and Islander.

1. **Approve Minutes of:**
City Commission Regular Meeting held December 18, 2008.
Special City Commission Meeting held January 8, 2009.

MOTION: Commissioner Woodland moved that the Regular Meeting Minutes held December 18, 2008, and the January 8, 2009 Special City Commission Meeting Minutes be approved as written. Commissioner Webb seconded the motion.
Motion carried – All Aye.

2. **Commissioner Reports.**
Community Center Update

Commissioner Tollette informed that the Community Center held a *Bridge the Gap* event that earned \$1,200 for the Community Center.

The Affair to Remember event will be held in May 2009.

Commissioner Tollette attended the Chamber meeting and announced the Chamber will be sponsoring the All Island Festival to be held the following Sunday.

The Chamber had discussed the article that appeared in the USA Today relating to tracking the number of hits on the Chamber's website and the ability to track which pages are being looked at and how much time is spent on each page. Since the printing of the article, the Chamber has experienced a huge upswing of those visiting their website.

3. **Mayor's Report**

Controlled Burn on Egmont Key

Mayor Barford reported that in the event the Commissioners received any calls, there was a controlled burn on Egmont Key that day.

City Hall Parking Lot Update

The parking lot and access to City Hall has been reconfigured. Changes include new signage directing the public to the City Hall entrance. *Mayor Barford* asked that any suggestions relating to the parking and any additional improvements felt necessary be directed to the City.

ITPO Meeting Update

Mayor Barford attended the ITPO meeting on January 12, 2009. A representative from MCAT reported on the advertising venture for the Trolley that would allow for the \$8,000 commitments from each of the three Island cities to be reimbursed to them. However, only one business has advertised so there are therefore no funds to reimburse the City.

Discussion was held at the ITPO meeting regarding the charging of a fare to use the Trolley. That decision will have to be finalized by the Manatee County Commission.

BIEO Meeting Update

The BIEO meeting was held on January 7, 2009 at Holmes Beach. The Port Dolphin gas line company made a presentation for justification relating to the new pipeline route. *Mayor Barford* informed that the Town of Longboat Key is considering legal action due to a lack of technical information from Port Dolphin and its impact over the next twenty-five year period.

Manatee County is working with Port Dolphin on exchange of technical information to come to a resolution.

Council of Governments Meeting Update

Mayor Barford attended the Council of Governments meeting held in Palmetto on January 21, 2009. She encouraged the City Commissioners to attend future meetings.

Info was presented at the meeting regarding compact fluorescent light bulbs that are filled with mercury and have serious consequences in the event of breakage.

Manatee County Partnership – Job Stimulation

The City will be partnering with Manatee County in their job stimulation efforts. The County will be meeting with all of the cities. Participation will include any ongoing projects that will stimulate employment. There will be a meeting with the CIP Committee in an attempt to allow some of the funding in Anna Maria.

Kingfish Boat Ramp

There has been discussion relating to the Police jurisdiction for the Kingfish boat ramp owned by Manatee County. The City of Holmes Beach only owns a portion of the boat ramp.

Due to the difficulty in managing the boat ramp, the Sheriff's Department is concerned about the liability Interlocal issues and will be addressing it at the next Council of Governments meeting.

Update - Stover Property at 415 Pine Ave.

The Stover property at 415 Pine Ave., previously considered as a Public Works facility, is currently under contract for private sale.

Bayside Erosion Meeting

A meeting will be held at City Hall on Monday, January 26, 2009 at 11:00 a.m. relating to the Bay side erosion issue. Attending will be a representative from Congressman Buchanan's office, Charlie Hunsicker, and Rick Spidoni. The City Commission is invited to attend.

2008 Fireworks Taskforce Update

The Island Mayor's have given Mayor Barford authority to have their law enforcement personnel hold an exit interview meeting as part of the 2008 Firework Taskforce to focus on this year's educational opportunities only.

Beach Renourishment Update

The State of FL was in Anna Maria earlier that day to do a spot check regarding the City's parking availability for beach renourishment. The State was pleased with the results of their inspection. Overlays are currently being prepared for the signs already out – green indicates a person can park in a specific location and red indicates a person cannot.

LAP Meeting

Mayor Barford and Commissioner Mattick will be meeting with Manatee County on Wednesday, January 28, 2009, 11:30 a.m. The Commission is invited to attend. Local Area Project (LAP) opportunities will be explored for the Transportation Enhancement Grant project.

Updates will be provided as the City explores extending the grant dollars to their fullest potential.

4. Stormwater Drainage Phase I – Change Order # 5 in the amount of \$29,886.55.

City Engineer Tom Wilcox announced that Change Order # 5 would be the final Change Order relating to the Stormwater Drainage Phase I project. The project should be complete within one week.

Engineer Wilcox reviewed a spreadsheet prepared for the project. He pointed out there may be a funding balance surplus of \$2,082.04.

Commissioner Woodland referred to the possible additional items listed on the spreadsheet. It is hoped that the City will end up with the \$2,082.04+ surplus and that at least one of the additional items can be completed.

Mayor Barford informed that discussion was held at the last Stormwater Drainage control meeting relating to the cleaning out of the pipes being set as a priority. There was also discussion for reseeded and to re-sod. Mayor Barford informed that the control committee will make the final determination, based on priority, and there would be no need for further Commission approval.

Finance Director/Deputy City Clerk Percycoe explained how the total costs with additional items were determined.

**MOTION: Commissioner Tollette moved that Change Order # 5 for the Phase I Stormwater Drainage Improvement Project W226 in the amount of \$29,886.55 be approved. Commissioner Mattick seconded the motion.
Motion carried – All Aye.**

5. Authorize Lake LaVista Request for Proposals.

Public Works Director George McKay informed that technical details had been added to the new contract provisions.

The dredging is required approximately every eighteen months. Cost for the last dredging was over \$100,000 with a reimbursement of \$50,000 in 2009 that has already been approved. An application will be submitted for the 2010 reimbursement.

Public Works Director McKay informed that the FDEP permit expires in 2009 and the City just completed a five-year permit renewal request.

Commissioner Woodland stated he felt the City should accept the responsibility, rather than the contractor, for the turbidity monitoring and reporting.

Public Works Director McKay informed that rather than out-sourcing, the City has purchased the monitor and have been performing the monitoring and sending the reports to the State for the past six years.

The upcoming project will be conducted during the turtle season. It is hoped that it will be preformed prior to turtle season the following year.

City Commission action will be required to award the final bid.

MOTION: Commissioner Woodland moved to authorize the Mayor to proceed with accepting sealed bids – Bid # 09-01 - for the Lake LaVista Entrance Channel Navigational Maintenance Dredging Project. Commissioner Tollette seconded the motion.
Motion carried – All Aye.

6. Application for Relief of Items in the Right-of-Way on Blue Heron Dr.

Applicant – L. Howard & Bendel T. Payne

Code Enforcement Officer Gerry Rathvon informed that the City received a complaint regarding items in the right-of-way on a couple of properties on Blue Heron Dr. Most all items have been removed.

Mr. and Mrs. Payne, 519 Blue Heron Dr., were mailed a letter from the Code Enforcement Officer asking that their sprinkler heads and posts, both located in the City right-of-way, be removed. The sprinkler heads have been removed. However, the posts have not been removed and Mr. Payne has submitted an Application for Relief of Items. The property is located in a cul-de-sac on Blue Heron Dr. and has very little traffic except for the homeowners, visitors, construction workers, and Waste Management.

Ms. Rathvon informed that the posts were placed in the right-of-way by Mr. Payne to protect the road. The City had previously placed three roadside delimiters at the location to direct the traffic from running off the road; however, they have been run over and bent.

Howard Payne, applicant, presented Chair Quam with pictures. He informed they purchased their home in 2000 and the lot next to their home in 2004 and Blue Heron Dr. was in deplorable shape. The right-of-way in question is located to the east of their property.

After the residents on Blue Heron repeatedly requested the City consider paving the road, it was repaved in 2007 and a series of delimiters were also installed for the purpose of trying to preserve the edge of the road and keep people from parking in the right-of-way. Unfortunately, the delimiters became broken due to large trucks making turns and breaking off the poles.

Mr. Payne further stated that believing the City did not want anyone parking on the right-of-way, and because it becomes completely covered with water during high tide or strong storms, he installed the posts. He pointed out that if cars were allowed to park where the posts were placed, the drainage ditch would be

adversely affected. It was his opinion that installing the posts were in the best interest of the community, very few people come to that area, and it would preserve the integrity of the drainage ditch and right-of-way.

Mr. Payne informed that his sprinkler system had been moved due to it being installed improperly to begin with. Mr. Payne informed there are six homes on Blue Heron Dr. and one vacant lot that they believe will be built on very soon. Four of the residents are full-time residents and there have been no complaints from any of the neighbors since the posts were installed over a year ago.

Commissioner Mattick expressed her concern relating to the possible hazards of the posts and the potential liability to the City.

City Attorney Dye responded that there is always a potential for liability anytime there is something near the roadway. The City does, however, have an exemption for liability but the courts say if the item is some type of hidden trap, for example, the City then could be liable for damages. He was unsure if the posts would be a liability to the City but felt if there was a problem with the edge of the pavement crumbling the City may want to address it in a different manner. He pointed out that the delimiters are built to bend, whereas the posts would not.

Chair Quam asked if the City would be liable now that the posts have been brought to the City's attention.

Commissioner Webb asked if the City would be covered by sovereign immunity and did not feel the posts were any danger to anyone.

City Attorney Dye responded and informed it would be driven by what the facts of the accident would be. He pointed out that the City has liability coverage up to \$100,000 and would then be protected by sovereign immunity. Further explanation and examples followed.

Commissioner Mattick did not feel the posts were esthetically pleasing and was further concerned about setting precedence.

Commissioner Tollette pointed out that Blue Heron is a road that has very little tourist traffic.

Commissioner Webb did not feel a precedence would be set since each application would be determined on a case-by-case basis based on the facts presented. It was his opinion that Blue Heron Rd. has very little traffic and would serve as a unique area. He pointed out that the plastic posts did not work and felt the wooden posts serve as a reasonable solution to protect the road and swale.

Chair Quam was not in support of granting the relief of the items based on the code not allowing items to be placed in the right-of-way. He felt an alternate remedy should be sought.

Commissioner Woodland agreed with *Commissioner Webb* and applauded *Mr. Payne* for taking the initiative for trying to preserve the area.

Mr. Payne said if the Commission were concerned about any liability he would be glad to sign an indemnification letter prepared by the City Attorney. He said they were also concerned about what might happen to their road over the next year when construction begins on the lot next to them. He asked that the Commission consider allowing the posts to remain there at least until the construction was completed.

Public Comment

Carol Ann Magill, 403 Spring Ave., stated that Blue Heron has no streets lights. She informed that the posts each have a reflecting light that helps direct and guide her when she is bike riding at night.

Ms. Magill suggested the City look at other locations in the City where the same type posts could be placed.

MOTION: **Commissioner Webb moved to approve the Application for Relief of Items in the Right-of-Way at 519 Blue Heron Dr. as submitted by Howard Payne. Commissioner Tollette seconded the motion.**

Motion carried on a Roll Call Vote of 3 to 2.
Commissioner Webb – Yes
Commissioner Tollette – Yes
Commissioner Woodland – Yes
Commissioner Mattick – No
Chair Quam – No

7. Request for Code Enforcement Official to be Pro-Active on Items in the Right-of-Way.

Code Enforcement Officer Rathvon stated that she and Mayor Barford met relating to her being more pro-active in addressing items in the right-of-way. Examples include real estate signage, plants, landscaping materials, etc. She said if she does not see plantings or landscaping materials being placed in the right-of-way at the time they are being planted or installed, it is very expensive for the property owner to remove the items at a later date. She pointed out that she is also dealing with beach renourishment and areas in the parking closer to the beach accesses - along with streets that lead directly out to the beach. Explanation of the City's Ordinance followed.

Mayor Barford informed that what was driving the request is due to the requirements by FDEP for the beach parking. There has been a great deal of encroachment in the right-of-way; however, a certain number of parking spots are required. Issues were addressed by the FDEP during their spot check earlier that day. Mayor Barford asked for City Commission support.

City Attorney Dye said the policy requiring the Code Enforcement Officer to be reactive rather than proactive originated from the City's old charter. When the charter was revised and the Mayor became head of the administration, he felt the Code Enforcement, being a City department, could be as reactive or proactive as the administration wants to make it.

Ms. Rathvon said it would be impossible for only one person to be proactive on all issues throughout the City.

ACTION: Discussion followed and the consensus of the majority of the Commission felt *Ms. Rathvon* should be more proactive relating to the right-of-way issues. Mayor Barford will research to see if there is any official action relating to the Code Enforcement Officer only being reactive, will get direction from City Attorney Dye, and then report back to the City Commission.

8. Fee Schedule Amendment – Resolution R09-650

No discussion or action taken. This item was removed from the Agenda and will be considered at a later date.

9. Appoint City Pier Centennial Committee.

Mayor Barford met with Historical Society Director Sissy Quinn to begin the planning for the City Pier Centennial Celebration. Sissy Quinn has agreed to Chair the Centennial Committee. Mayor Barford said she had also appointed Betty Yanger and Sue Lynn and that she and Commissioner Mattick would be serving as Liaisons.

Mayor Barford asked each Commissioner to provide the name of an individual who they felt has a historical interest in the community and would be willing to serve on the committee. Mayor Barford will coordinate committee-meeting details and no further Commission action would be required.

10. Special Event: Ginny and Jane E's Flea Market

February 1; March 1 and April 5, 2009 – 8:00 a.m. to 4:00 p.m.

Mayor Barford informed that the Flea Markets at Ginny and Jane E's are becoming very large events and are impacting a busy corner in Anna Maria. She explained that Sergeant Kenney has some concerns and would like to monitor the Flea Market scheduled for February 1, 2009 to see what recommendations could be made to make the area safer, if necessary.

MOTION: Commissioner Webb moved to approve the Special Event application for Ginny and Jane E's Flea Markets to be held February 1, 2009, March 1, 2009, and April 5, 2009 – each from 8:00 a.m. to 4:00 p.m. Commissioner Tollette seconded the motion.

Motion carried – All Aye.

11. **CONSENT AGENDA.**
12. **Appoint Amy Baynard to EEEC (Term 2009 to 2011)**
13. **Appoint EEEC Committee Member Terms**
14. **Special Event: Friday Festival – Anna Maria Chamber of Commerce
February 13, 2009 – 3:00 p.m. to 10:00 p.m.**
15. **Proclamation: Communities for a Lifetime.**
Commissioner Tollette asked that item # 14 be removed from the Consent Agenda and considered separately.

MOTION: **Commissioner Mattick** moved that Consent Agenda items # 12, # 13, and # 15 be approved. **Commissioner Webb** seconded the motion.
Motion carried – All Aye.

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- Consent Agenda Item # 14.**
**Special Event: Friday Festival – Anna Maria Chamber of Commerce
February 13, 2009 – 3:00 p.m. to 10:00 p.m.**
Commissioner Tollette informed that at the last two Chamber meetings, the issue of the \$500 Special Events fee required in Anna Maria had been discussed. Due to the Chamber feeling that the fee was too high for them, the February Friday Festival may be the last one that will be held in Anna Maria. The Chamber is looking at other locations to hold the event.

Commissioner Webb informed that the Chamber provides all sanitation and law enforcement requirements for the event.

Commissioner Webb announced he would need to abstain from voting due to being on the Chamber Board of Directors.

MOTION: **Commissioner Tollette** moved to approve the Special Event request submitted by the Anna Maria Chamber of Commerce for the Friday Festival to be held February 13, 2009 – 3:00 p.m. to 10:00 p.m.
Motion carried on a vote of 4 to 1 with Commissioner Webb abstaining.

15. **REPORTS AND UPDATES – All Written Reports**
 - a. **Sheriff's Report**
 - b. **Building Department Report**
 - c. **Public Works' Department Report**
 - d. **Code Enforcement Report**
 - e. **City Pier Report**
 - f. **Ordinance Update**
 - g. **Resolution Update**
 - h. **Financial Report**
 - i. **Line of Credit Report**

Public Comment - None
Press Comment – None

Commission Comment

Chair Quam asked what the status was for matching the zoning with the Future Land Use Map and authorizing the P&Z to review it.

Mayor Barford informed that Building Official Welch has been working with the Engineer on this issue and will provide a status update at the next meeting.

Adjournment.

On motion made by Chair Quam and seconded by Commissioner Tollette, the meeting was adjourned at 8:14 p.m. Motion carried unanimously.

Alice Baird, CMC, City Clerk

Minutes approved: _____