

**CITY OF ANNA MARIA
REGULAR COMMISSION MEETING
FEBRUARY 23, 2006
7:00 P.M.**

CALL TO ORDER (7: 00 p.m.)

PLEDGE TO THE FLAG

ROLL CALL: Commissioner Christine Tollette, Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

Also present: Mayor SueLynn, Building Official Kevin Donohue, City Attorney Jim Dye, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander

CONSENT AGENDA

1. a. Approval of 1-26-06 Regular City Commission Meeting Minutes - 7:00 p.m.

Commissioner Christine Tollette said, relative to Page 12, that she had not voted 'Aye' relative to the fence ordinance. She had voted 'Nay'.

b. Special Event: AMI Little League Parade - 3/11/06 - 9 a.m.-10 p.m.

c. Special Event: Tour of Homes – March 18th, 2006 – 10 a.m – 4 p.m.

d. Special Event: AMI Garden Tour – April 1st, 2006 – 10 a.m. to 4 p.m.

e. Code Enforcement Board – Re-Appoint Shirley O'Day to a three (3) year term to expire March 6, 2009

f. Capital Improvement Advisory Committee – Re-Appoint Larry Albert to a two (2) year term to expire January 2008.

MOTION: Commissioner Linda Cramer moved to approve all items on the Consent Agenda except letter 'a', seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

MOTION: Commissioner Dale Woodland moved to approve item 'a.' as amended, and Commissioner Linda Cramer seconded the motion.

Vote: All Ayes.

2. REPORTS AND UPDATES

Commissioner Duke Miller reported that he had attended the Environmental Enhancement and Education Committee (EEEC) meeting as Commission liaison. He said the signage situation was discussed, as well as the fact that there are

currently three openings on the Committee. The Commissioner appealed to his fellow commissioners to find members of the community to fill the two remaining positions, as he had managed to find a recruit for one of the openings.

Mayor's Report

Mayor SueLynn said that Christopher Collins had resigned from the Planning & Zoning Board for health reasons, and that as Vice-Chair, Doug Copeland would conduct future meetings. The Mayor said that she was not going to solicit a replacement for the vacated position, because she intended to ask the Commission to reduce the membership of this Board from seven members to five, and introduce the use of a magistrate to handle variances. Mayor SueLynn said that she would need to put the subject on the agenda of both the Commission and the Planning & Zoning Board meetings.

The Mayor reported once again that she attended a meeting on February 17th with the mayors of Bradenton Beach and Holmes Beach to discuss consolidation of the Island governments. She said that she was aware that the 2005 did not support this type of consolidation and reiterated that she would in no way obligating the City of Anna Maria to participate in any action decided upon in these discussions. Mayor SueLynn said that at the meeting, the mayors had a conference call with faculty members at the University of Georgia's Institute of Government, who have had considerable experience working with consolidations of cities with other cities, as well as cities with counties. She said the faculty members would be submitting a proposal to Mayors Chappie and Whitmore as to how they could assist them to gather and analyze information relevant to consolidation issues. Mayor SueLynn said that the two mayors would be meeting to discuss the proposal, to include a scope of work, a timeline and costs.

Commissioner Duke Miller noted the consolidation of Island governments was not supported by the Commission or the City's citizens, and asked why the Mayor felt it was important to still attend these meetings and report on them. The Mayor responded that she felt it was important that citizens on the Island knew what was going on, and pointed out that although there had been a survey showing disfavor for the idea, that survey had been incomplete, and noted that the omitted sixty percent of the citizens may well have felt differently overall. Commissioner Christine Tollette said she applauded the Mayor for taking it upon herself to stay current with the developments on the subject.

MOTION: Commissioner John Quam moved to address Agenda Item 5 after Item 3, and Commissioner Linda Cramer seconded the motion.

Vote: All Ayes. Motion carried.

3. **REQUEST FOR A SIX (6) MONTH EXTENSION TO THE PRELIMINARY SITE PLAN APPROVED ON SEPTEMBER 8, 2005 FOR THE PROPERTY AT 303 PINE AVENUE.**

MOTION: Commissioner Cramer moved to grant a six-month extension to the Preliminary Site Plan approved for 303 Pine Avenue, seconded by Commissioner Miller.

AMENDED MOTION: Commissioner Cramer moved to grant a six-month extension to the Preliminary Site Plan approved for 303 Pine Avenue, until September 8th, 2006. Commissioner Duke Miller seconded the motion.

Vote: All Ayes.

Mayor SueLynn asked the Hunts if there was some way that she could facilitate the utilities letter they required. They thanked her and said they would contact her if they encountered problems.

Commissioner John Quam informed the Hunts that if no letter from Manatee County utilities was received by September 8th, 2006, the Commission would require a letter from that body explaining the delay.

4. **SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 06-654 – ESTABLISHMENT OF MILEAGE REIMBURSEMENT RATES AND A POLICY FOR TRAVEL REIMBURSEMENT**

Commissioner John Quam announced the second reading would be held on March 23rd, 2006, instead of this evening. Commissioner John Quam said there had been quite a few additions to the Ordinance since the Commission had last discussed it.

Mayor SueLynn noted the original Ordinance allowed for resolution of other aspects related to travel reimbursement. She said she had felt that it could be more expedient to include meals, tips, and lodging [as well as airfare], in this ordinance, instead of revisiting the issue later.

Commissioner John Quam asked if \$60 per day was normal, and Mayor SueLynn confirmed with City Attorney Jim Dye that this per diem was average for the State. Mayor SueLynn said there was no expectation that this limit be reached every single day by a given traveler..

Commissioner John Quam noted that lodging was covered on Page Two as well as Page Three in his copy of the Ordinance. City Attorney Jim Dye noted the correction to be made.

Commissioner Duke Miller asked why a meal ordered through room service should be disallowed when often, due to travel schedules, a traveler will arrive too late to get a meal in the restaurant. City Attorney Jim Dye explained that the intent of the language was to address additional costs customarily charged for room service. *Mayor SueLynn suggested City Attorney Jim Dye amend the language to read “unless there are no other meals available at the time”, and he agreed to do so, having received the Commission’s consensus.*

Commissioner John Quam said the second reading of the Ordinance would be held at the Regular Meeting of the Commission on March 23rd, 2006.

5. **REVIEW PROPOSED ORDINANCE ON STORAGE OF PODS – TO INCLUDE UTILITY TRAILERS**

Building Official Kevin Donohue took the floor and indicated that the Mayor had asked him if the City currently regulated PODS. He said he had responded that they were regulated as buildings, which are defined in the City's Code as "either temporary or permanent and having a roof, supported by columns or walls, and used or built as a shelter, enclosure, support or protection for persons, animals, chattels, or property of any kind." The Building Official said that since a POD fits the definition of a building, it therefore requires a building permit, must conform to FEMA regulations, and must comply with zoning ordinances as to where it can be located on the property.

Commissioner Duke Miller asked, if a building permit would be required if someone wanted simply to fill the POD before it would be transported to a storage facility. The Building Official explained that POD complaints, e.g., duration of stay, would be handled through the code enforcement process, which would give a user ample time to fill a POD for storage elsewhere.

Building Official Kevin Donohue said, regarding trailers, that the Code currently did not regulate the situation of trailers on private property. He said Ch. 58 did not permit them to be used for living or sleeping quarters; nor did it allow them in the rights-of-way. He said the most common trailers seen in Anna Maria are the open-sided and enclosed contractors' trailers, which typically are moved every day. The Building Official described another type of trailer as an 'evacuation trailer' which people use to be prepared to leave the Island in case of an evacuation order. He also noted that a safety concern on Anna Maria would be the storage of combustible or flammable liquids in utility trailers.

Building Official Donohue said that one type of regulation of trailers could be legislation identifying a maximum size allowable for storage on a property.

Commissioner Duke Miller said, regarding 'temporary' trailers, that he had received citizen complaints from people who had been looking at a large trailer parked on a neighbor's property for years, only to find it was now in the company of another one of equal size.

Discussion followed regarding hurricane trailers. Building Official Kevin Donohue said that there was currently no language in the Ordinance regarding trailers on wheels and where they should be parked. He suggested that City staff and the City Attorney could be asked to look into registering trailers over a certain size, and requiring screening from public view. Building Official Donohue said

that he would not recommend discouraging the practice of keeping hurricane trailers.

Commissioner Christine Tollette said it would seem that screening of hurricane trailers and utility trailers could be looked into. She also suggested requiring such vehicles be required to be kept at the sides of properties. Building Official Kevin Donohue pointed out that with seven and ten-foot setbacks, trailers, such as boat trailers carrying boats, could cause nuisance problems with neighbors.

Mayor SueLynn asked about RV's and travel trailers, noting that some of these vehicles are huge in size. Building Official Kevin Donohue said there was a section in the Ordinance, regarding camper trailers and motor homes, which prohibited them from being used for sleeping. During discussion it was noted that these types of vehicles are currently allowed in the side setbacks, however, Building Official Donohue stated that the Code was looking for a clear zone in the side setbacks. Commissioner Miller asked if it was allowable to have a trailer used for storage parked in the side yard, and City Attorney Dye responded that this would be treated and allowed in the same way as an SUV used for storing goods and parked in the side yard would be treated. Commissioner Miller said that he strongly agreed with controlling the use of the front yard for storage of trailers and related uses.

Commissioner John Quam confirmed that Commissioner Duke Miller wanted boat trailers as well as RV's to be required to be kept out of front yards. Commissioner Duke Miller said that he felt that trailers parked in front of properties were an annoyance. City Attorney Jim Dye suggested asking City Planner Alan Garrett to look into the subject. Commissioner John Quam received agreement from Mayor SueLynn that she would be willing to speak with Mr. Garrett.

MOTION: Commissioner Duke Miller moved to request Mayor SueLynn to ask City Planner Alan Garrett to provide an opinion regarding RV's, trailers and portable storage units in the City for presentation at the April Commission Work Session, seconded by Commissioner Christine Tollette.

Roll Call Vote: Commissioner Christine Tollette: Aye; Commissioner Dale Woodland: Nay; Commissioner John Quam: Nay; Commissioner Linda Cramer: Nay; Commissioner Duke Miller: Aye. Motion defeated by a vote of three to two.

Public Comment

Georgia Van Cleave of Magnolia Avenue noted it had become more and more expensive to rent storage spaces for boats and trailers. She said that across from the Community Center, a safety hazard sometimes appeared when loaded, as well as empty boat trailers are parked on the small lots and in the right-of-way across from the facility. Ms. Van Cleave asked the Commission to consider doing

something about the storage of such craft on smaller lots and to look into what Bradenton Beach currently requires.

Carol Ann Magill of 303 Spring Avenue said that she had a large front yard, and that if she did have a boat or trailer, she would not be able to keep it in the side yard or rear yard. She recommended that the Commissioners drive around the city and see how many other property owners were in a situation similar to her own.

Jim Conoly of North Shore noted that over the years, there had been complaints about semi tractors, and sometimes trailers, parked in front of homes. He suggested that this was something that could be added to the Ordinance.

Commissioner John Quam indicated, in explanation to the other Commissioners for his vote, that the City Planner currently had many other pressing matters to work on at this time.

6. **LINE OF CREDIT – APPROVE A RESOLUTION FOR PROCEDURE**

Commissioner John Quam noted that he and Commissioner Dale Woodland had each submitted a proposal, and that he himself had prepared one with the assistance of Deputy City Clerk Diane Percycoc. Mayor SueLynn indicated, with respect to the proposed Resolution, that the points in it were redundant, and proceeded to show, for each point, how the administration already was performing the tasks it spelled out.

The Mayor expressed the opinion that the Commission's deliberation on this topic demonstrated a lack of trust in the City administration and gave staff a feeling of being micro-managed. She pointed out that in fact the City had a highly competent staff that always brought matters to the Commission in a timely manner. In conclusion, the Mayor stated the belief that there was no reason to legislate the administration of a line of credit.

Mayor SueLynn said that Commissioner Dale Woodland's recommendation appeared to be a reporting form. She said this was being done already, and that this again was administrative work that need not be legislated.

Commissioner John Quam said he would like a formal presentation to the Commission, on the part of the administration, consisting, at minimum, of a written procedure. Mayor SueLynn responded that such a written procedure was not being required from the administration every time the budget is done. Commissioner John Quam said nonetheless that he would like to see a Resolution prepared and for the Commission to approve it.

Commissioner Christine Tollette asked City Attorney Jim Dye for guidance. City Attorney Jim Dye responded that the Charter basically sets forth that the Commission creates legislation and that the administration carries out the

legislative policies of the Commission. Commissioner Christine Tollette asked if the City Attorney saw a difference between using a line of credit and administering a budget. City Attorney Jim Dye responded that a line of credit would be part of the budget, and one more aspect of carrying out day-to-day City business. Commissioner Christine Tollette asked if perhaps the process could be started without the Resolution for managing the line of credit, and if a question arose, if a Resolution could then be put into place.

Commissioner Dale Woodland said that he had submitted his proposal while making the assumption that things would happen over time that would be out of the norm. He said he believed that the same thing that happened every year with the budget would happen in multiple years with the line of credit. He said that his suggestion was intended to avoid problems in the future.

Commissioner Duke Miller said he understood the Mayor's point of view, however, he said he would want to know, as Mayor, that he was not going to be second guessed very step of the way. He said he did not think it had anything to do with competence or trust, but rather with guidelines for something that had never before been done in the City of Anna Maria.

Commissioner Dale Woodland said he would like to review his entire memo and review his proposed Resolution. The Commissioner said it would be reasonable to think that the line of credit payoff would extend to the year 2013. He proposed that with his method, a new resident could come into town five years from now, pull out the Resolution from the City's book, and see the entire history of the line of credit and how it had been and was currently being handled. Commissioner Dale Woodland said it would not be unreasonable to think that several years from now, after the work had been done, and repayment was still being made, that someone might question the line item in the budget.

Commissioner Dale Woodland said that there was nothing he had proposed that had anything to do with the day-to-day level of detail relative to disbursement of the monies. He said his proposed procedure would give the Commission and the public complete accountability for the line of credit, for the full life of the line of credit.

Commissioner Dale Woodland noted that there would be eight projects funded by the line of credit, and suggested that not one of them would come out exactly on schedule and within cost. He said that with a procedure such as the one he proposed, the administration would have the information to make decisions and move forward.

Commissioner Linda Cramer noted that the Resolution compiled by Commissioner John Quam and Deputy City Clerk Diane Percycocoe presented a short, simple method of dealing with the issues.

Commissioner Dale Woodland continued with presentation of his reporting form. He said this would be similar to Commissioner John Quam's suggested spreadsheet, and would be an addendum attached to the Resolution, where each project would be broken down as to cost. Commissioner Dale Woodland said that the level of the City's reserve should be monitored, so as not to fall below 35% of the City's operating budget. Commissioner Dale Woodland said it was important, relative to the last bullet, that each Resolution would have the previous Resolutions attached to it.

Mayor SueLynn asked if every time there was a draw down on the line of credit, a new Resolution would need to be made. Commissioner Dale Woodland said that with the first draw of \$1 million, the Resolution would be passed, and that the Mayor would then handle the individual projects as she normally did. The Mayor confirmed with Commissioner Woodland that when the next draw is needed, after the first \$1 million, a new Resolution would be needed. Commissioner Dale Woodland said that the Resolution would be invoked for unscheduled payments, or lack of payment, which things that would affect the principle and the payback time. He said a budget line item for the annual payments would need to be established for the line of credit. The Commissioner said that the administration of individual projects was important, but the line of credit is the subject at hand.

Commissioner Duke Miller said that he felt Commissioner John Quam and Commissioner Dale Woodland were each speaking about two different things. He said that Commissioner John Quam's Resolution was dealing with administration, while Commissioner Dale Woodland's was a way of allowing the Commission a way to track the use of the line of credit. He recommended Commissioner Dale Woodland's proposed form be added to Commissioner John Quam's Resolution as an attachment. Commissioner Duke Miller recommended that future resolutions for draws be attached and named as A., B., C., consecutively, as addenda to this Resolution.

Commissioner Linda Cramer said she felt the Resolution covered everything, and had no particular interest in cumulative spreadsheets. She recommended attaching Commissioner Dale Woodland's proposed sheet to Commissioner John Quam's proposed Resolution.

Mayor SueLynn said that the document content made sense, however, it spoke to what her administration would have done anyway. Commissioner John Quam said that if the Mayor wished to put her own content into writing and submit it on behalf of the administration, she would be welcome to do so, as long as the Commission received a procedure in writing for the information of future mayors and treasurers.

Mayor SueLynn said that she questioned the language relative to the restricted reserves, since she could not see the money drawn down from the line of credit becoming part of the City's reserve fund. Commissioner Woodland said he saw

the funds becoming part of a restricted reserve fund similar to the one that existed for the City Hall renovation. The Mayor noted that taking money out of restricted reserves would require an Ordinance.

There was consensus to use Commissioner Dale Woodland's forms as Exhibit 'A', attached to Commissioner John Quam's proposed Resolution.

Commissioner John Quam noted No. 5 in the Resolution, according to the last meeting's minutes, should read (ck tape)

City Attorney Jim Dye suggested, in response to a question from Commissioner Linda Cramer, that the language could read "attached hereto are the forms that will be used to administer change in principle or change in payment schedule" and could be inserted in the Ordinance at No. 9, and there was consensus for this. City Attorney Jim Dye suggested that certain terms, such as "draw", used in the proposed Resolution should be clarified.

MOTION: Commissioner Linda Cramer moved to adopt Resolution R06-613 as amended, seconded by Commissioner John Quam.

Vote: All Ayes. Motion carried.

Public Comment

Chuck White of 426 Spring Avenue noted that in the Resolution under No. 1, "road and/or stormwater" is specifically stated. He asked, if for instance, City Hall blew away in a hurricane, if the City would then not be able to access funds for emergency purposes, and the Commission informed him that this would be correct. Commissioner Miller noted that the City would then need to look for another loan.

Tom Turner of 850 North Shore said that a line of credit sounded good, but warned that the City would be moving into deficit spending for the long term. He noted that many projects would be things that needed to be re-done routinely. Mr. Turner recommended looking at the payback time more closely.

Carol Ann Magill of 403 Spring Avenue commended the Commission on drawing up the procedure for the line of credit. She said, however, that she was uneasy about the language regarding not making the scheduled payment to the line of credit.

7. DISCUSS PROPOSED RESOLUTION SUPPORTING THE COUNTYWIDE LEVY OF AN ADDITIONAL TAX ON MOTOR FUEL

Mayor SueLynn said that she had asked the County to send 'talking points' to support their position, and asked Commissioner Christine Tollette to read what the City had been sent. Commissioner Christine Tollette read that the County Commission had always viewed the gas tax as a user fee. She read that tourists and visitors paid 25% to 30% of the gas tax, which had not been increased since

1985. She read that Manatee and Sarasota counties received 11 cents on local option gas tax. Commissioner Christine Tollette read that the State had slowed improvement of roads in the County so that it could not expect money for improvements to come from that source. Commissioner Christine Tollette read that the Commission would like to see growth pay for itself through the impact fees it had imposed, and that this was money needed to support existing infrastructure..

Mayor SueLynn confirmed to Commissioner John Quam that the talking points could be used as a model for the City of Anna Maria's possible draft of it's own Resolution.

Commissioners Miller, Woodland, and Quam expressed the opinion that it was an affront to ask the barrier Island residents to support a rise in the fuel tax after already being obligated to contribute an inordinate share of revenue to the County.

There was consensus among the Commissioners not to pursue the proposed Resolution.

Commissioner Christine Tollette suggested that the press would make the Commission's strong opinion on the subject known.

PUBLIC COMMENT

Heard throughout the meeting.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Duke Miller moved to adjourn the meeting, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

The meeting adjourned at 8:47 p.m.

Respectfully submitted,

City Clerk Alice Baird

Date