

**CITY OF ANNA MARIA
CITY COMMISSION WORK SESSION
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MARCH 12, 2009
IMMEDIATELY FOLLOWING SPECIAL MEETING**

CALL TO ORDER

Chair Quam called the Work Session to order at 9:26 p.m.

PRESENT: 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, Building Official Bob Welch, City Planner Alan Garrett, City Attorney Jim Dye, Public Works Director George McKay, and Code Enforcement Officer Gerry Rathvon.

Press present: Sun, Islander.

1. Discussion to Amend Sec 114.421 - Uses in the Right-of-Way

Code Enforcement Officer Rathvon informed there had been discussion relating to uses in the right-of-way, plantings within the right-of-way, and whether the City should be reactive or proactive in regard to those issues.

Ms. Rathvon referred to Sec. 114-241 (a) *Generally*, of the City Code that states “With the exception of the planting of grass or other ground cover that will not impede the parking of motor vehicles...” She informed that anytime plantings are placed in the City rights-of-way, it will cause the impediment of vehicles since no one wants to run over someone else’s plants.

Ms. Rathvon explained that the purpose for the proposed amendment relates to the City being eligible for the renourishment. Areas designated as parking close to the beach accesses are now overgrown with bushes, shrubs, beach daisies, etc. that have been planted in the City’s right-of-ways, thus causing a liability on the City and the homeowner.

The City is recommending that no plantings be within the first 8-feet. Ms. Rathvon pointed out that the removal and clearing of plantings in the right-of-ways are at the cost of the City.

Commissioner Tollette said she had always felt the right-of-way should only be of shell or grass.

Ms. Rathvon responded that 250-filtermix is preferred over the shell due to the lack of pecculation from shell.

Commissioner Mattick was opposed to even having grass in the rights-of-way and felt it should be clear as to where an individual is to park. *Chair Quam* disagreed.

Commissioner Webb stated he had no objection to plantings in the right-of-way and did not feel that any safety issue existed. He agreed that the parking areas should be kept clear but would rather see plantings than No Parking signs. It was his opinion that plantings should be allowed except where the City allows parking.

Mayor Barford said what triggered the proposed amendment was the State's need to identify parking in order to qualify for beach renourishment. The City was also required to place signage.

City Attorney Dye informed that the current Ordinance is setup so that a person that needs to park can do so – the only thing allowed under the Ordinance is grass or groundcover that doesn't prohibit parking. If there were plantings that prohibits or discourages a car from parking, then it would become a code enforcement issue. The Ordinance, however, does allow for a person to request Commission approval for maintaining what may have already been planted in the right-of-way. He informed that the City may be able to maintain the right to step up the need for parking spaces under the existing Ordinance, but may want to remove the right to come back before the Commission for asking special permission to leave what's currently there.

City Attorney Dye further stated that if enforcement is stepped up on homeowners that have parking spaces in front of their homes, but not on those who do not, the City may see requests to change the parking regulations.

Chair Quam felt there was a safety issue and that the City should enforce the Code. He noted that often the plantings were not trimmed, causing them to grow out into the street.

Commissioner Mattick felt a safety issue did exist. She used the example of the cars parked at the Rod & Reel Pier. She also recommended that the No Parking signs be placed at a 90° angle so they can be read. *Chair Quam* responded.

Commissioner Woodland suggested the DOT requirements be used as the justification for no plantings in the right-of-way.

Commissioner Webb suggested that the Code Enforcement Officer notify the property owners in violation that they 1) are in violation, and 2) they have the right to request Commission approval to keep the plantings. If the area were needed for the beach renourishment parking, the property owner would then be informed that the plantings must be removed.

Discussion followed relating to whether or not the Code Enforcement Officer should be reactive or pro-active for all issues.

ACTION: On a show of hands, the Commission voted three to two (Commissioners Webb and Woodland opposed) that the Code Enforcement Officer be pro-active in regard to Sec. 114-421. Uses within right-of-way.

2. E-mail Policy & Hosting Proposal.

City Clerk Alice Baird informed that the City's computer consultant Joe Hutchenson, 1A-PCTECH, and Donald Scheid, Integrated Tech Support, were in attendance to present and answer any questions. She and Mr. Hutchenson began working on a way to better handle the City's e-mails the previous Fall 2008. City Clerk Baird explained the proposed Electronic Mail Policy amendment drafted by City Attorney Dye as follows:

- All City staff, elected officials, P&Z Board members, City Attorney, Sergeant Kenney or predecessor, City Engineer, and City Planner would each have an access code to log into the City e-mail system to access their e-mails from any location. An individual's password would be changed in the event they left the City and therefore would no longer be able to access the system at that time.
- All incoming and outgoing e-mails will be captured.
- No personal e-mail systems should be used for City business purposes.
- Every month or quarter, all captured e-mails in the system will be burned to CD and archived.
- For Boardmembers not having access to a personal computer, they can access their e-mail account at City Hall.
- The system will be searchable by subject, e-mail address, date, etc.

Commissioner Woodland suggested that an on-line read file be available on the City's website.

City Attorney Dye said he discussed that issue with Mr. Hutchenson. Though it was feasible, there would be some security issues and expense involved. He pointed out there was no statutory requirement for a Read File.

Commissioner Webb announced that he deleted all e-mails received on his personal computer relating to City issues due to confidentially issues relating to his law practice.

The Electronic Mail Policy will be placed on the March 26, 2009 agenda for formal approval.

3. Review Sec. 2-16 - Attendance Requirements for City Commissioners.

No discussion. This item will be discussed at the April Work Session.

Commissioner Mattick asked that discussion relating to the motels in the City be added on the April Work Session agenda.

4. Review Liaison Assignment Responsibilities.

No discussion. This item will be discussed at the April Work Session.

Public Comment

Landscaping Ordinance – Mike Miller

Micheal Coleman, Pine Ave., recommended that Mike Miller be included on the Landscaping Ordinance discussion.

Upcoming Retirement - Sergeant Kenney

Commissioner Tollette asked for Commission consensus for retaining Sergeant Kenney in the City of Anna Maria.

Mayor Barford announced that Sergeant Kenney would be forced to retire June 30, 2009 due to the DROP program. It was the consensus of the Commission that Mayor Barford writes a letter to the Sheriff on behalf of the Commission relating to keeping Sergeant Kenney - and the importance of Sergeant Kenney's experience in Anna Maria.

Press Comment – None.

Adjournment

Chair Quam moved to adjourn the meeting at 10:10 p.m. **Commissioner Webb** seconded the motion. **Motion carried – Aye.**

Alice Baird, CMC, City Clerk