

**CITY OF ANNA MARIA  
REGULAR COMMISSION MEETING  
JUNE 23, 2005  
7:00 P.M.**

**CALL TO ORDER** (7:05 p.m.)

**PLEDGE TO THE FLAG**

**ROLL CALL:** Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Linda Cramer (8:07 p.m.)

**Absent with excuse:** Commissioner Carol Ann Magill, Commissioner Duke Miller

**Also present:** Mayor SueLynn, Sgt. John Kenney, Sheriff's Department; City Attorney Jim Dye, Building Official Kevin Donohue, City Clerk Alice Baird, Deputy City Clerk Diane Percycoe; Minutes Clerk Sylvie Reichmann

**Press:** Sun, Islander

Mayor SueLynn reported that Deputy Commission Chair Linda Cramer had planned to be at the meeting on time but her plane had been delayed.

Commission Chair John Quam said that in the meantime, since there was no quorum, the Commission would not vote, but would review the reports and updates.

**1. CONSENT AGENDA**

- a. Approval of minutes: 05-19-05 Special Commission Meeting; 05-26-05 Regular Commission Meeting; 06-02-05 Special Commission Meeting (6:00 p.m.); 06-02-05 Special Commission Meeting (7:00 p.m.); 06-07-05 06-09-05 Special Commission Meeting (6:00 p.m.); 06-14-05 Special Commission Meeting (6:00 p.m.) and 06-14-05 Special Commission Meeting (7:00 p.m.)**

Commission Chair Quam noted that the Minutes headed and listed as being on 06-07-05 were actually for a meeting that took place on 06-09-05 at 6:00 p.m.

- b. Re-Appointment of Doug Copeland and Fran Barford to the Planning & Zoning Board, with terms to expire July 2008.**
- c. Special Event Permit: Busciglio / Sheridan Wedding Reception July 3<sup>rd</sup>, 2005**
- d. Interlocal Agreement with Manatee County Regarding Bayfront Park and Enforcement Reimbursement**

**MOTION (8:08 p.m.):** Commissioner Dale Woodland moved to approve the Consent Agenda, with the amended Special Commission Meeting minutes of June 9<sup>th</sup>, 2005, seconded by Deputy Commission Chair Linda Cramer.

**Vote:** All Ayes. Motion carried unanimously.

**2. REPORTS AND UPDATES**

- a. Commissioners**

Chair Quam announced that a Special Commission Meeting to hear the Anna Maria Island Community Center's variance application, and site plan review had been tentatively scheduled for July 20th, 2005 at 7:00 pm, and that the P&Z Board was scheduled to review the site plan and make their recommendations at a meeting to take place on July 12<sup>th</sup>, 2005 at 7:00 p.m.

**Mayor's Report:**

The Mayor said that the Environmental Enhancement and Education Committee (EEEC) had said they would like to have more people to work with, and urged interested citizens to consider joining this active and beneficial group. She asked anyone wanting to volunteer to inform her after the meeting.

Mayor SueLynn noted that a recently distributed Hurricane & Severe Storm Flooding Preparedness flyer containing a questionnaire had an unprecedented 101 people return their responses to City Hall. She urged citizens to attend an open house at City Hall on June 30<sup>th</sup>, 2005, from 3:00 p.m. to 7:00 p.m. regarding stormwater issues.

The Mayor described "A random act of kindness" given to Anna Maria and its residents by a group of people, working with Public Works Director George McKay, who put up seven new trash receptacles and replaced an existing one on Pine Avenue that had fallen apart. She expressed gratitude to the following donors:

*Materials:* Lucy Larselier; William & Marilyn George; Jimmy, Cindy and Ryan Esposito; Dennis & Sandra Kerr; Jim & Barbara Marklin, and Ron & Kathy Hayes

*Builders:* Max Gazzo & Emil Walston

*Delivery and Installation:* The Island Riders (an anonymous group that does good things for people not just here but in St. Pete & elsewhere).

The Mayor announced that the City would be the recipient of \$22,000 in revenue, largely thanks to the diligence of the City Clerk, Alice Baird. She explained the change in pension plans that had taken place at the City two years ago, and that now, the check was finally on its way for money long owed to the City.

Mayor SueLynn announced that the City had received a response to its submitted application to the MPO, and expressed gratitude for the presentation given to that body in her absence the week previous to this meeting by resident Joanne Mattick and Public Works Director George McKay. She said that the City was now considered to be Number One on the priority list to receive a \$300,000 Transportation Enhancement grant, noting that this now needs the approval of three other groups

**3. 2005 Legislative Session Update – (State Representative Bill Galvano)**

State Representative Bill Galvano said that the City administration was doing a good job of keeping him informed and also visiting Tallahassee to give much appreciated input. He said that by planning and being hurricane prepared and having a fund, the reconstruction had afforded this district a large amount of state awarded dollars.

The State Representative noted that education funding was way up this year at \$27 billion (\$355 per student), and with \$22 billion for Health and Human Services. He reported the Medicaid budget was at \$15 billion, with two pilot projects in Broward and Duvall counties. He also mentioned two senior projects now pending with no geographical designation as yet.

Locally, Representative Galvano said that the district had received \$80 million in addition to the amount it had expected. He mentioned new programs for the developmentally disabled, the beach re-nourishment about to be, and two tax holidays (Hurricane Preparedness not substituting for the Fall tax holiday). The State Representative noted also that the Legislature had also been working on taking various old taxes off the books because of the hard work of communities like this one.

Relative to recent child molestation / murders; Representative Galvano noted that the Legislature had established the Jessica Lunsford Act, setting penalties of a minimum of 25 years' incarceration for any kind of sexual predatory conduct, with GPS monitoring being required, in some cases, for life thereafter, with a budget appropriation having been attached so that these obligations could be met.

Representative Galvano gave an overview of the new Growth Management Bill, noting that the State was currently \$40 billion behind in infrastructure relative to population growth in Florida. Stressing the importance of concurrencies for maintaining levels of service, the Representative reported that the State had now set school, water, and road concurrencies within a three-year time frame. He said that there had been a \$1.5 billion appropriation at State level, \$750 million annually. There is money for alternative means of transportation, e.g, water taxis, trolleys and more, working with Joe McClash.

Representative Galvano said that for beach communities, a uniform beach warning flag system had been established, with the municipalities receiving liability protection should it fail.

Representative Galvano said that he had an open door policy and would continue to work with the City. He thanked the Commission for what they do for the people in this city and for the State.

Commission Chair John Quam asked, relative to growth management, if a moratorium would be imposed. State Representative Bill Galvano said that it was

more a question of stopping the bleeding, rather than fixing something in particular.

Mayor SueLynn mentioned putting infrastructure requirements in the Comprehensive Plans and asked how the municipalities were to become aware of what the current requirements are. State Representative Bill Galvano said there had been studies associated with the Growth Management Bill, and that this is something that would need to be revisited. Mayor SueLynn noted that when something is stated in its Comprehensive Plan, the City needs to begin that activity within three years, and that the Comprehensive Plans are revised every five years.

State Representative Bill Galvano said that working with the new concurrency requirement would be a lot like when the Comp Plan system was instituted in 1985, and that he expected to work with the City in this regard.

Mayor SueLynn mentioned collocation and wireless transmitters and antennas, and expressed gratitude for the legislative decision in that regard. State Representative Bill Galvano noted with appreciation Mayor SueLynn's strong voice on this subject in Tallahassee.

State Representative Bill Galvano confirmed with Commissioner Dale Woodland that he had recently met with the Hart and the Hart Group. He noted the nature of the community was changing, and needed to consider what happens when the only viable land use becomes high end residential. The State Representative said that the Legislature was scheduled to review and revise the tax system in 2007, and that in the meantime he would continue to work on finding some balance.

Commissioner Dale Woodland remarked with grave concern on the recent eminent domain decision of the U.S. Supreme Court. He asked, relative to the State and the City, if actions could be now be taken relative to private enterprise, not just public service purposes. Commissioner Woodland noted that many people in Anna Maria are not wealthy, but now have very valuable real estate. He said he would love to do something to protect citizens in the years to come. State Representative Bill Galvano noted that Justice Sandra Day O'Connor had written the dissenting position, observing that this case, relative to economic development, would set precedent whereby property could be taken from an owner and given to another entity simply because that entity could use it for its most profitable purpose. The State Representative said it would require a continual series of challenges to fight something of this nature, however, if opponents continued to take a stand, after a number of cases, the negative effects of this decision could be mitigated.

City Attorney Jim Dye had a question for the State Representative regarding old platted lots, some on the beach and some under water, where people are having to pay taxes on this property. He said that the State had no one working on

determining who owns submerged land, and that many people are still paying taxes on it, believing that the land had been deemed reclaimable. The City Attorney expressed the opinion that the Department of Environmental Protection (DEP) should be keeping a closer eye on land than had become submerged since the original land boom. He noted that in these cases under tenant and property law, the State would be the claimant of the better title. City Attorney Dye indicated that this ambiguity put the City Building Department in a tough spot when people apply for building permits on land that they cannot use. City Attorney Jim Dye said that in his case this morning, the Property Appraiser had the land valued at \$250, but now the owners had arrived at City Hall for a building permit. State Representative Bill Galvano said he would follow up with him on this.

State Representative Bill Galvano said he would also follow up on growth management with Mayor SueLynn.

The Commission thanked State Representative Galvano for his presentation and the State Representative expressed in return his appreciation for the opportunity to communicate with them this evening.

#### **Public Comment**

Diane Canniff asked if the billions of dollars mentioned represented surplus or deficit.. State Representative Bill Galvano said it was the amount that was spent, and the State happens to currently have more than a 5% surplus.

Sandy Oldham mentioned that she understood the shortfall was relative to infrastructure. State Representative Bill Galvano noted that this shortfall has actually been estimated at between \$20 and \$40 billion.

The Mayor and the Commissioners again thanked State Representative Bill Galvano and he reciprocated.

#### **4. City Audit Acceptance (City Auditor Ed Leonard -- Christopher, Smith, Leonard, Bristow & Stanell, P.A.)**

Ed Leonard, City Auditor thanked the City staff for assisting with the performance of the audit. He noted that the highest level of accounting practices had been achieved by the staff and congratulated the City. Mr. Leonard said that in addition to regular funding level statements, government-wide financial statements were required, including capital asset depreciation as well as a statement on management's discussion and analysis -- in all, a thirty-three page document.

He noted that there was a different set of rules for the government-wide statements, and that 'net assets', as the term is used in government-wide statements, includes unspendable money. Mr. Leonard said that the addition of

the capital assets looks impressive relative to the fact that the City did not have any long-term debt.

The City Auditor reviewed the balance sheet of the general fund. He then drew attention to seven pages of notes including disclosures and working detail, beginning on Page 15.

Mr. Leonard guided those present to Page 22, where the income statement is compared with the budget. He noted that the City came up \$25, 265 short on revenue, primarily because of the timing in reimbursement for Lake LaVista dredging, adding however, that the City matching funds had not been spent during that time, either.

Clerk's Response on Pg. 26. By time audit was done, all was updated and depreciation program set up in computer by the Deputy City Clerk; Building Department timeliness was less than satisfactory, although the reports were finally run and new software was being instituted. Now only Deputy City Clerk knows how to run the financial programs, and recommended that others be cross-trained.

Commission Chair John Quam, relative to mention of the City Charter on Page 15, indicated that it actually had been revised February 11<sup>th</sup>, 2003. Commission Chair John Quam noted that the Commission tried to keep 35% of the City's operating budget in reserve. Mr. Leonard noted that the City had 50% of its operating budget in reserve at the end of last year. He congratulated City on its practices, especially in view of the vulnerability of the City to natural disaster.

**MOTION: Commissioner Dale Woodland moved to accept the City Audit and Deputy Commission Chair Linda Cramer seconded the motion.**

**Roll Call Vote: Commissioner Dale Woodland: Aye; Deputy Commission Chair Linda Cramer: Aye; Commission Chair John Quam: Aye. Motion carried unanimously.**

Mayor SueLynn thanked and praised the City staff for their excellent money management practices. Commission Chair John Quam agreed that thanks and congratulations were in order.

**7. Purchase of Lot on Pine Avenue Adjacent to the Public Works Maintenance 'vacant' Lot**

Mayor SueLynn said she had inquired with the Florida League of Cities relative to interest rates, noting that their interest rate, whatever it will be, would be the lowest available. She emphasized the need for space for the City administration and public works, as well as future concerns for open space in the city.

Commission Chair John Quam said that he had polled twenty residents with 60% saying 'no' and 40% 'yes'. He expressed concern about taking this action just prior to budget time, and the possibility of needing to increase the millage rate.

Commissioner Dale Woodland said he would like to see three or four financial scenarios including rates, down payments and payback schedules.

**Public Comment**

Diane Canniff said she thought the purchase would be a good investment, and asked if the City was considered as a 501C3, because if it is, there could be a write-off. She figured \$600,000 cost would only amount to less than \$400 per tax parcel, and recalled a missed opportunity for the City to buy Bean Point.

Commission Chair John Quam asked if an appraisal on the part of the City would be required by the mortgage company.

Joanne Mattick suggested that the purchase could be included inside a current grant deadline. Mayor SueLynn responded that this would have needed to have been done in May, and that this case would not have qualified since the land needs to be used for recreation and open space and the City would not have been able to put a Public Works building on it. Ms. Mattick said that she would like to see the land as a public park, to accommodate the horseshoe pits and shuffleboard courts.

**5. Second Reading and Public Hearing on Ordinance 05-640 – Amending the Definition of ‘Substantial Improvement’ by Deleting Section 70-1 Definition ‘Over a five year period, a cumulative total of 50% etc,’ and adopting the FEMA Definition.**

Deputy Commission Chair Linda Cramer read the ordinance by title.

Commission Chair John Quam noted the ordinance had been revised to the FEMA definition. Building Official Kevin Donohue noted that the Land Use Regulation definition of ‘substantial improvement’ was when ‘the cost of construction exceeds 50% of the market value of the building, [by building permit]’.

Deputy Commission Chair Linda Cramer asked about changes in the language pertaining to non-conformity. City Attorney Jim Dye said that this ordinance would only control if the damage was caused by flood-related issues.

**Public Comment**

Randall Stover of 115 North Shore asked if the five years was now changed, and Building Official Kevin Donohue clarified that the five years had been removed, and now this ordinance allowed an unlimited number of permits to be issued, each for 49% of the market value. Building Official Kevin Donohue confirmed that he was using the minimum standard allowable by FEMA. He said that he could give no information on how the county property appraisers would be treating this.

Sandy Oldham of 307 Pine Avenue, noted that resident Jaime Walstead, representing those who owned older, ground level homes badly in need of

infrastructure improvements, as well as contractors, had all been in favor of the revision. She said that everyone she had spoken with was in favor of this ordinance and recommended that the Commission adopt it.

Diane Canniff said that money was to be made as a result of this ordinance by contractors and real estate speculators. She said that she was concerned that the City would change from a small-scale casual village image.

Commission Chair John Quam noted that 203 Coconut having already been issued a permit, was not a substantial improvement, either by the current code, or the proposed one. Building Official Kevin Donohue said that only two applications in two years had been classified as substantial improvement.

Joanne Mattick of 876 North Shore said she thought that just the opposite of what Ms. Canniff was concerned about would occur as a result of this ordinance. She said that people are just interested in improving their existing homes.

Randall Stover of 815 North Shore said he thought this was a very positive thing for the city. He said he lived in an older home and needed to maintain the roof and put in windows to withstand the weather. He noted that only increase by 49% the building value, which could be only about one-tenth of the overall property value.

**MOTION: Deputy Commission Chair Linda Cramer moved to adopt Ordinance #05-640, seconded by Commissioner Dale Woodland.**

**Roll Call Vote: Commissioner Dale Woodland: Aye; Commission Chair John Quam: Aye; Deputy Commission Chair Linda Cramer: Aye. Motion carried unanimously.**

Building Official Kevin Donohue confirmed with City Attorney Jim Dye that the Ordinance was effective immediately.

**6. Approve Resolution No. 604: Creating a Flood Mitigation Planning Committee – Members: Kevin Donohue, George McKay, Alice Baird, Sandy Oldham and James Curtis Bell.**

Building Official Kevin Donohue said that the committee was made up of City staff and local residents, and would be maintaining records of all weather and damage reports, adding that the City Planner would also use this information. He indicated that this action on the part of the City maximizes points in this category with the CRS program.

**MOTION: Deputy Commission Chair Linda Cramer moved to adopt Resolution 604, seconded by Commissioner Dale Woodland.**

**Roll Call Vote: Commissioner Dale Woodland: Aye; Commission Chair John Quam: Aye; Deputy Commission Chair Linda Cramer: Aye. Motion carried unanimously.**

Mayor SueLynn reported that one more member was needed for the committee and called again for anyone interested in serving.

Commissioner Dale Woodland asked if a CIAC member could serve. Building Official Kevin Donohue responded that the committee was looking for people not already serving on other committees or boards so as to broaden public input.

Building Official Kevin Donohue announced again for the public benefit that the Flood Mitigation Planning Committee would be holding an Open House at City Hall on June 30<sup>th</sup> from 3:00 p.m. to 7:00 p.m. and requested attendance by everyone interested. He also referred to the very successful response to the recently distributed questionnaire very successful.

### **PUBLIC COMMENT**

Diane Canniff said she thought the City should have the lot on Pine appraised. She also asked that the law regarding people on unlighted bikes be enforced.

Deputy Commission Chair Linda Cramer said she supported the purchase of the lot, and said the City needed to be a better host and, by moving in this direction, could better serve the residents and business community.

Randall Stover congratulated the Commission and the City staff on their work, particularly in the financial department. He said, relative to the lot on Pine Avenue, that creative financing should be looked into, including donations. He said he would like to see a fund developed and a wish list for property established.

### **PRESS COMMENT**

None offered.

### **ADJOURNMENT**

**MOTION: Deputy Commission Chair Linda Cramer moved to adjourn the meeting, seconded by Commissioner Dale Woodland.**

**Vote: All Ayes. Motion carried.**

The meeting adjourned at 8:32 p.m.

Respectfully submitted,

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City Clerk Alice Baird

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July 29, 2005

Date