

**CITY OF ANNA MARIA
CITY COMMISSION REGULAR MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, DECEMBER 17, 2009
7:00 P.M.**

CALL TO ORDER

Chair Quam called the Regular Meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Deputy Chair Dale Woodland, Chair John Quam, Commissioner Chuck Webb, and Commissioner Harry Stoltzfus.

Absent: Commissioner Jo Ann Mattick.

Staff Present: City Clerk Alice Baird, Attorney Warren Pies, Building Official Bob Welch, Code Enforcement Officer Gerry Rathvon, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

Chair Quam introduced and welcomed Attorney Warren Pies who was filling in for City Attorney Jim Dye.

1. **Approve Minutes of:**
City Commission Organizational Meeting held November 12, 2009
City Commission Regular Meeting held November 19, 2009

MOTION: Commissioner Webb moved that the Minutes of the Organizational Meeting held November 12, 2009 and the Regular City Commission Meeting held November 19, 2009, be approved as written. Commissioner Woodland seconded the motion.
Motion carried – All Aye.

2. **Commissioner Reports** - No reports.

3. **Mayor's Report.**

Hazardous Waste and E-Scrap Drop-Off Date

A free hazardous waste and e-scrap drop-off will be held on Saturday, January 30, 2010, 9:00 a.m. to 3:00 p.m. at Coquina Beach – Gulf side/parking access road location. The announcement has been posted at the City Hall, Post Office, and the City's website.

FEMA Training

Mayor Barford announced that in preparation of the upcoming FEMA training, staff that will be attending the training joined Manatee County at the EOC for a briefing of county events. There are approximately sixty Manatee County team participants who will address Manatee County recovery. Three Anna Maria employees plan to attend the FEMA training. Costs will be reimbursed by FEMA.

MPO Meeting Update

Mayor Barford and Commissioner Mattick attended the recent MPO meeting to answer any questions relating the enhancement grant funds for the City Pier Boardwalk and landscaping project. The funds total approximately \$1 million. Design will commence early in 2010 with completion prior to the Pier Centennial event in 2011.

After the approval of Agenda Item # 4, *Commissioner Stoltzfus* asked for the status of the design build of the boardwalk.

Mayor Barford informed that the City had been working with the County on a LAP agreement which has since changed. FDOT will now design the project. Meetings with

FDOT will begin the first of January 2010. Mayor Barford will notify the Commission when the meetings will be held.

Commissioner Stoltzfus said he would like to see the Site Plan prior to the City committing to the final design.

Horizon Bank/Bono Enterprises/City of Anna Maria Mediation Update (Villa Rosa)

Mayor Barford and City's Florida League of Cities Attorney Greg Hootman attended the mediation between Horizon Bank, Bono Enterprises, and the City of Anna Maria relating to Villa Rosa. The mediation between Bono and Horizon Bank ended in an impasse and will be scheduled for trial beginning approximately December 30, 2009. The City's role is very limited and Mayor Barford will keep the Commission posted.

Legislative Delegation Meeting Update

Mayor Barford and City Attorney Dye attended the recent delegation meeting and presented the City of Anna Maria's proposed boundary changes. Unanimous preliminary approval was received from the legislatures. The document will now go to Tallahassee.

4. Request for Relief of Encumbrances in Right-of-Way within Eight (8) Feet of Edge of Pavement @ 237 Oak Avenue – Owner Phil Balducci.

Code Enforcement Officer Gerry Rathvon informed that she received a complaint in September 2009 regarding items growing completely out to the road at 237 Oak Ave. A notice was sent to the owners of the property and no response was received. A notice of violation was then sent and the property owners then contacted Ms. Rathvon. After meeting with the property owners, the property owners cleared all items except for three palm trees.

Ms. Rathvon explained that there are still roots on the property as a result of the plantings. Ms. Rathvon and Public Works Director McKay met with Mr. Balducci to explain what still needed to be done to work with the storm water run-off.

Ms. Rathvon stated that the property owner across the street from Mr. Balducci has applied for shell in the right-of-way and has an excess of shell left over. She suggested that Mr. Balducci and his neighbor work together and accomplish what is necessary for the storm water run-off and clearing up the root problem.

Mr. Balducci is asking for a Relief of Encumbrances in the Right-of-Way for three palm trees that have been there prior to him purchasing the property.

In response to *Commissioner Stoltzfus*, Ms. Rathvon stated that the available parking would not be reduced.

MOTION: Commissioner Stoltzfus moved to approve the request for Relief of Encumbrances in Right-of-Way within Eight (8) Feet of Edge of Pavement @ 237 Oak Avenue - with the removal of the root system around the Palm Trees. Commissioner Webb seconded the motion. Motion carried – All Aye.

5. **Resolution R09-663 – Resolution Designating Elected Positions for Inclusion in the Elected Officers’ Class (EOC) of the Florida Retirement System.**

City Clerk Baird read the Resolution by title.

Commissioner Woodland asked if Resolution R09-663 and R09-666 (Reference Agenda Item # 6) were mutually exclusive.

Attorney Pies advised that the two Resolutions were not mutually exclusive and that it was the City Attorney’s opinion that R09-666 is no longer necessary. A determination has been made that the City Charter provision is preempted by State law. The City Commission is free to enter into the Elected Officers Class. Adopting R09-666, however, will allow the Commissioner’s to reduce their salary commensurate with the amount of money paid in by the City for their pension.

Commissioner Webb explained that the adoption of R09-663 is required by State Law. R09-666, on the other hand, states that if a Commissioner receives a compensation that exceeds what has been approved for the year, if they wish to receive that compensation, they can choose to have their salary dollars reduced to cover that benefit amount. Commissioner Webb stated that R09-666 was not legally required; however, in the spirit of the City’s Charter, the Commission should consider adopting it.

**MOTION: Commissioner Woodland moved to adopt R09-663.
Commissioner Webb seconded the motion.
On Roll Call Vote, the motion carried unanimously.**

6. **Resolution R09-666 – Elected Official Compensation – (Option for Elected Official Compensation to be Used Toward Benefits)**

Attorney Pies explained how the process will work.

Commissioner Webb stated that he had prepared Resolution R09-666. He further stated that once Ordinance 09-663 is sent to the State, each elected official will have the option of entering into the Regular Class or the Elected Officials Class.

Mayor Barford pointed out that the Mayor is also an elected official and the Resolution should be changed to reflect that correctly.

Commissioner Webb agreed that reference to “Commissioner” in the body of the Resolution should be changed to read “Elected Officials”.

Commissioner Woodland said it was his personal belief that the Anna Maria property owners should not be paying for elected official’s retirement benefits. He said he was in favor of adopting R09-666.

MOTION: Commissioner Woodland moved to adopt R-09-666 as amended. Commissioner Webb seconded the motion.

Public Comments

In response to a question from *Tom Turner*, 850 N. Shore Dr., it was noted that an elected official would become vested in the retirement system after six years of service. Explanation followed.

ACTION: On Roll Call Vote, the motion carried unanimously.

7. Safety Committee Appointment (One per Elected Official) – ROR District Proposed Task: Assess Potential Safety Hazards, Current and Long-Term, For Pedestrian and Bicycle Traffic While Vehicles Back Out of Parking Spaces Across Sidewalks. Committee to Report Recommendations to Minimize Safety Hazards.

Commissioner Stoltzfus asked what the appointed committee focus and task would be. He said when his committee was formed, his committee was to assess and provide solutions.

The Commission agreed that the appointed committee was to determine if there was indeed a safety hazard in the ROR, and if so, provides recommendations to minimize the safety hazards.

Commissioner Stoltzfus felt the new committee would be a waste of time. It was his opinion that the safety issue would be addressed when changes are made to the LDR's that do not currently match the Comp Plan.

Mayor Barford said that once the Committee was appointed, staff would notify the members appointed and request their availability in order to set a first meeting date. The meeting will be properly noticed and will meet in the sunshine.

Chair Quam asked that an update be provided to the City Commission at their regular meeting in January.

Commissioner Stoltzfus asked *Mayor Barford* about her appointment selection for the committee. *Mayor Barford* explained that each Commissioner and the Mayor each appoint one individual for a total of six.

Discussion followed relating to the names submitted for the committee. *Chair Quam* said his nominee was Tom Aposporos who is associated with PAR. He said he was opposed to the committee having two members of PAR. *Commissioner Woodland* disagreed. *Commissioner Stoltzfus*, on the other hand, agreed with *Chair Quam*. It was his opinion that if members are to be selected that are generally concerned about safety, the persons selected should not be ones who say there is no safety problem.

Commissioner Webb said it was his opinion that committee members should be selected in an attempt to consider all sides of the issue presented and flushed out. He pointed out that only two members of the committee being associated with PAR would not be a majority and also they were only a recommending committee.

MOTION: Commissioner Webb moved to approve the following appointments to the Safety Committee as presented: Thomas Aposporos, Terry Schaefer, Larry Albert, Michael Coleman, Gene Aubry, and Mike Pescitelli

Public Comment

Margaret Jenkins, Chilson Ave. felt it would be a conflict of interest to appoint members who own property and represent PAR. She felt PAR should be represented, however, there should only be one representative.

ACTION: Motion carried on a vote of 3 to 1 with Commissioner Stoltzfus voting No.

Chair Quam suggested, and it was the consensus of the Commission, that *Commissioner Stoltzfus* serve as the Safety Committee Liaison.

8. Review Old/New Business Items:**a. Discuss Joint Meeting for City Commission / P&Z Board**

Chair Quam suggested a January joint City Commission/P&Z Board meeting be held to discuss the Site Plan process.

Commissioner Stoltzfus said he would like to go through the suggested LDR changes and make his proposed suggestions at the joint meeting. His suggested changes are all in Chapter 74 and Chapter 90 and will reflect back to the Comp Plan.

Discussion followed relating to what would be discussed at the first joint meeting. It was agreed that the first meeting would be for the purpose of discussing the Site Plan process step-by-step – what is expected of staff, P&Z, and the City Commission.

A Joint City Commission/P&Z Board Work Session was scheduled for Thursday, January 14, 2010 – 6:00 p.m.

b. Old Business – Local Agency Program (LAP) - Removed.**c. New Business – Chapters 74, 90, and 114 discussion.**

Commissioner Stoltzfus said he would like to discuss and provide recommendations for Chapters 74, 90, and 114. He asked when they would be discussed by the Commission.

Building Official Welch suggested that the Commission may want to wait to discuss Chapter 90 after hearing recommendations from the Safety Committee relating to parking - which is included in Chapter 90. He stated it would be best to have more “general” Site Plan procedures. The more specific they are, the more difficult it would be to stay within the intent of the overall goals.

Commissioner Stoltzfus disagreed feeling they should be as specific as possible. He suggested that language be added within the Site Plan review process regarding driveways.

Building Official Welch suggested that language could be added in Chapter 74 that states “all off-site parking must comply with Chapter 90”.

d. New Business added – City Pier Security Cameras.**e. New Business**

Commissioner Stoltzfus suggested items in the LDR’s he would like to be added to New Business.

Building Official Welch pointed out that *Commissioner Stoltzfus’* suggestions were P&Z Board issues who would normally implement the policy in the LDR’s. He suggested that all issues be reviewed in small chunks at the various joint City Commission/P&Z Board meetings that will be held.

Chair Quam suggested that *Commissioner Stoltzfus* provide the City Clerk with a listing of items he would like added under New Business.

Public Comment - Recommendations - Public Safety Committee

Jennifer Cascardo, 209 Spruce, suggested that the previous Engineer’s study relating to beach access parking, driveway setbacks, and intersection setbacks be provided to the Safety Committee.

Mayor Barford will provide a copy to each Safety Committee member.

Tom Aposporos, Crescent Dr. stated that he served on a committee several years ago that included the Building Department, Planner, and Chair Quam. He suggested that the recommendations and minutes of that committee be provided to the Safety Committee for their review.

Mayor Barford explained that all recommendations of that former committee have been implemented and now needs to be discussed again. She said she would research and provide any information to the Safety Committee.

Randall Stover, N. Shore Dr. questioned what the Safety Committee's tasks and authority would be. He pointed out that the City has the P&Z Board, City Commission, and Mayor and that he was opposed to introducing another set of individuals into the issue. He felt that it may take up to a year for the details to be worked out and that the P&Z Board should be the format to address the Safety issue.

Chair Quam said the Safety Committee will only be a recommending committee who will provide their recommendations for the City Commission/P&Z joint meeting.

Commissioner Stoltzfus agreed with Mr. Stover and pointed out that the committee he was asked to Chair had to provide their results within two weeks.

9. Consent Agenda

- a. **Mayor's Appointment to Planning & Zoning Board – Robert Barlow – Term through July 2011**
- b. **Special Event Permit – Ginny's & Jane E's – 9806 Gulf Drive – Friday, January 1, 2010 and Sunday January 17, 2010 - 8:00 a.m. to 3:00 p.m.**

Chair Quam asked that Consent Agenda item # a. be removed from the consent agenda and considered separately.

MOTION: Chair Quam moved that Consent Agenda item b. be approved. Commissioner Webb seconded the motion. Motion carried – All Aye

- a. **Mayor's Appointment to Planning & Zoning Board – Robert Barlow – Term through July 2011**

Chair Quam asked Mayor Barford for a list of all persons who had submitted their application to serve on the P&Z Board and the dates they were submitted.

Mayor Barford said the dates the applications applied were never used as a means to determining who would be appointed. She said she was not making her recommendation based on the application date, but by the person she felt was most qualified for the position. She informed that the applications were received as follows: #1 – Micheal Coleman, #2 – Carl Pearman, #3 – Tom Turner, #4 – Charlie Daniels, and #5 – Bob Barlow.

Commissioner Stoltzfus read a letter written by Mayor Barford in response to a letter to the editor written by Duke Miller relating to the administrative process used in making appointments to committees. Commissioner Stoltzfus asked if all applicants met the qualifications.

Mayor Barford responded that all candidates did meet the qualifications; however, she felt Bob Barlow was the most qualified. She informed that Mr. Barlow would step down from his position as the CIAC Chair and that Tom Turner had agreed to serve as the new Chair.

Public Comment

Robin Wall, 112 Palmetto, felt that Mayor Barford had made a mistake in her appointment recommendation. Ms. Wall felt that Tom Turner was the best candidate for the P&Z Board. It was her opinion that Michael Coleman should not be appointed due to a conflict of interest and was opposed to the appointment of Bob Barlow. She pointed out that Mr. Barlow was the last person to submit his application.

Cathy Stoltzfus, 411 Poinsettia, agreed that Tom Turner would be the best candidate.

Chair Quam felt it was not fair to the other applicants that the person submitting their application last was the one chosen.

Boyd Hoskins, 203 Fur, said he moved to Anna Maria from Venice and did not want to see the Anna Maria City Commission end up being like Venice.

- MOTION:** Commissioner Webb moved that Consent Item a. be approved (Mayor's appointment to the P&Z Board – Robert Barlow – Term to July 2011). Commissioner Woodland seconded the motion.
- ACTION:** Commissioners Webb and Woodland – Aye
Commissioner Stoltzfus and Chair Quam – No

Discussion followed relating to the vote ending in a tie vote and whether or not the appointment would be approved.

Building Official Welch presented Chair Quam with the language in the Code – Administrative – Sec. 2-2.1 that states that in the event of a tie when voting for a committee appointment, the nominee shall be deemed as approved.

- FINAL ACTION:** Robert Barlow was appointed to serve on the P&Z Board. His term will expire July 2011.

13. **Written Reports and Updates:**
- 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. Financial Report.
 - h. Line of Credit Report.

Public Comment –

Philip Shields, 243 Gladiolus, referred to the "Anna Maria Communications Services Tax" he pays on his Verizon Wireless bill that amounts to approximately \$100 per year. Mr. Shields said he was not receiving good, reliable cell phone service. He suggested that since the City collects the tax, they should take a more aggressive approach to help search out companies interested in bringing a cell tower to the City.

Gene Aubry agreed with Mr. Shields and said he had never had reliable cell phone service in Anna Maria.

Mayor Barford informed that the personal Wireless Service Facility (PWSF) Ordinance review was one of the items on the Old Business list for future discussion by the Commission.

Press Comment – None.

Adjournment

On motion made by Chair Quam and seconded by Commissioner Webb, the meeting was adjourned at 8:20 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____