

**CITY OF ANNA MARIA
REGULAR COMMISSION MEETING
SEPTEMBER 22, 2005
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Commissioner Dale Woodland, Commissioner Carol Ann Magill, Commission Chair John Quam, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

Also present: Mark Barnebey, Kirk-Pinkerton, counsel for the Anna Maria Island Community Center (AMICC); Mayor SueLynn, Sgt. John Kenney, Sheriff's Department; City Attorney Jim Dye, Building Official Kevin Donohue, Public Works Director George McKay, City Clerk Alice Baird, Deputy City Clerk Diane Percycoe; Minutes Clerk Sylvie Reichmann

Press: Sun, Islander

1. a. **Approval of Minutes: Regular City Commission 8/25/05**
- b. **City Government Week Proclamation – October 16th to 22, 2005**
- c. **Red Ribbon Week Proclamation – October 23 – 31, 2005**
- d. **Bayfest Special Event Permit – October 15th, 2005**
- e. **Approval of Sheriff's Contract 2005 - 2006**

**MOTION: Commissioner Dale Woodland moved to approve the Consent agenda, and Deputy Commission Chair Linda Cramer seconded the motion.
Vote: All Ayes. Motion carried.**

**MOTION: Commissioner Dale Woodland approve the Proclamation for Red Ribbon Week, seconded by Deputy Commission Chair Linda Cramer.
Vote: All Ayes. Motion carried.**

Mayor SueLynn read the Proclamation for Red Ribbon Week. Taylor Clark of Bradenton accepted the Proclamation on behalf of the Manatee County Substance Abuse Coalition and thanked the Commission for approving it. He read a statement he had prepared to describe the goal of Red Ribbon Week, which is to get everyone in the community involved in fighting drug abuse. Mr. Clark asked the Commissioners to wear the red ribbons he would be distributing to them to show their support for this cause. Mayor SueLynn confirmed that her office would distribute the ribbons once received.

2. REPORTS AND UPDATES

Commissioner Duke Miller confirmed that the Capital Improvements Advisory Committee (CIAC) would be meeting on October 4th at 6:00 p.m. Commissioner Dale Woodland said this would be a public meeting at which all elected officials would be welcome, but attendance was not mandatory.

Commission Chair John Quam announced that the Special Meeting that had been called for October 3rd at 6:30 p.m. had been cancelled.

Commission Chair John Quam said Agenda Item #5 would not be addressed this evening as there was currently insufficient information, and that Agenda Item #6 had been already adopted.

Mayor's Report

Mayor SueLynn referred to her press release, included in this evening's meeting packet, and indicated the Flood Mitigation Committee had been working since June on issues related to stormwater improvements in the city, and would soon be bring ordinances comprising a draft flood management plan for the City's review.

3. TRAFFIC REGULATIONS FOR ROADS AND RIGHTS-OF-WAY, ORDINANCE NO. 05-646 SECOND READING AND PUBLIC HEARING (PARKING PLAN C INCLUDED)

Deputy Commission Chair Linda Cramer read the Ordinance by title.

Commission Chair John Quam noted, relative to the second page, Section 2, that Spring Lane had been added as a one-way street, as had Palm Avenue, beginning at Crescent Avenue, near the Community Center.

Deputy Commission Chair Linda Cramer said she had heard from upset nearby residents that had not known that this change was planned. She said residents told her this had not worked in the past with Cypress, and the Commissioner asked if a traffic engineer had done a study. Commission Chair John Quam said he only had received positive reactions, and that this had been changed at the request of Sgt. Kenney and Public Works Director George McKay, and also at the request of two residents, but that an engineer had not been consulted.

Commission Chair John Quam noted that angle parking and perpendicular parking had been added as the Community Center had requested.

Commission Chair John Quam went on to say that all the crosswalks had been identified, and a new request had come in on **North Shore at Newton Lane. There was consensus to do this. City Attorney Jim Dye said he would add this crosswalk.**

Commissioner Duke Miller noted a typographical error, saying the words should read "Roser Church"

Commissioner Duke Miller said, regarding #5, that ‘will’ is better than ‘may’. He said he would support using the word ‘shall’. City Attorney Jim Dye confirmed he would make this change.

Mark Barnebey, counsel for the Anna Maria Island Community Center (AMICC) said that AMICC was satisfied with the Ordinance as drafted.

Commission Chair John Quam said that Willow, Mangrove, Oak and Park avenues had elected to have open parking. The Commission Chair indicated that currently there were 150 parking spaces, and with Plan C there would only be slightly more.

Deputy Commission Chair Linda Cramer asked if Palmetto Avenue was to have open or alternate side parking. Commission Chair John Quam said he had not received anything in writing regarding this. Deputy Commission Chair Linda Cramer said that there had been a petition submitted to the City from residents on Palmetto Avenue against Plan C. Deputy Commission Chair Linda Cramer spoke for the majority of the residents on Palmetto Avenue for the record, saying they did not want alternate side parking and preferred resident permit parking, but if they could not have this, they would like to keep open parking.

Commissioner Carol Ann Magill said that anyone present at the last meeting would have heard from the Chair that they would need to petition the Commission specifically to have open parking before this evening’s meeting. Commissioner Carol Ann Magill said the petition from Palmetto Avenue that Deputy Commission Chair Linda Cramer had referred to did not specify open parking.

A resident of 112 Palmetto Avenue, Robin Wall, said she had signed the petition and did not favor Plan C and would prefer permit only parking. She said she would rather try Plan C than have open parking. The property owner said the road only has the potential to hold 28 cars. She said a rental cottage and a few other residents would have a problem with alternate side parking. She recommended 100 ft. from Gulf, down Palmetto, could have alternate side parking, and that the remaining 100 ft., to the beach, could have open parking.

Commission Chair John Quam said he did not have a problem with keeping the street open for parking. Commissioner Carol Ann Magill and Commissioner Duke Miller said they would like to see who on Palmetto Avenue is in favor of open parking. Commissioner Duke Miller said it was important to be equitable and fair.

Deputy Commission Chair Linda Cramer said she had gotten the clarification from City Planner Alan Garrett that the 10 ft. from the driveway clearance was contained in the City’s ordinances as well as the uniform Florida Traffic Manual, and that enforcement would need to be implemented. Commission Chair John

Quam asked why, if an ordinance is in the Code, this subject would need to be included in this Ordinance.

Commissioner Dale Woodland said he agreed with Commissioner Duke Miller that fairness was essential. Commissioner Dale Woodland said he did not think the 10 ft. driveway clearance needed to be included in this Ordinance.

There was consensus to go with Plan C on Palmetto Avenue.

Commission Chair John Quam said he had received a request from a resident to change Coconut to one-way from North Shore Drive to Gulf Drive, because of heavy pedestrian traffic.

Commissioner Carol Ann Magill asked if the Public Works Department could more clearly designate the rights-of-way.

Public Comment

John Hughes of 107 Beach Avenue brought forward a copy of a petition that requested no on-street open parking.

Betty Hughes of 107 Beach Avenue said that visitors had been a nuisance on their street when there was open parking on it, and noted the Church had no problem with accommodating visitor parking.

Commission Chair John Quam indicated, regarding #7, that there was 'no parking' from Crescent Drive to Hibiscus, across from Bayfront Park. He said that residents had been waiting for relief of this sort for years, and that two years ago the Commission had agreed to go ahead with this.

Chair Quam noted a resident at 313 North Bay had opposed 'no parking', and that he also had received two letters from citizens in support of 'no parking'. Commissioner Carol Ann Magill noted the people at 313 North Bay had used parking in front of their property on their side of the street for personal parking. Commissioner Duke Miller said he had heard from the resident at 313 North Bay Blvd. He asked if the people behind 313 North Bay would still be able to park on the property and Commissioner Carol Ann Magill said they would, but other residents on the property would need two more spaces. Commissioner Duke Miller noted that an ordinance existed that required two off-street parking spaces for each residence.

Building Official Kevin Donohue noted there was a non-conforming use in a residential zone on this property, although he was not actually familiar with it. He said normally 12 spaces would be needed. Building Official Kevin Donohue noted the right-of-way is for the use of the general public and recommended doing some property research to verify the record.

John Cella for 401 North Bay said he had presented a petition from the residents on his street and described the problem with parking was that it was hard to exit driveways. He said a previous petition had asked for prohibiting parking or resident only parking. Mr. Cella asked for parking to be prohibited across from the park for safety, traffic and nuisance reasons. He asked the Commissioners to realize that the problem the residents have is real.

Mark Barnebey, counsel from the firm Kirk-Pinkerton, spoke on behalf of Barbara Sotto of 313 North Bay Blvd. He confirmed that this property had a real problem because of the restricted parking in front of the park across the street. Mr. Barnebey said there may be other ways of resolving the matter, but suggested a compromise to prohibit parking in the alleyway, however, permitting some parking up to Crescent. He noted that when his client bought the property, she could not have been aware that parking would become the problem it has become.

Joanne Mattick of 876 North Shore said that on the weekends and holidays parking is a problem on North Bay. She said she could not see how allowing parking on a small portion of the street could do anything but create confusion.

Commissioner Dale Woodland said he was sympathetic to Barbara Sotto's problem, and said the only thing he could think of as a reasonable solution would be to, in front of her property only, erect a sign reading 'tenant only parking'. Commissioner Dale Woodland said that he had a problem with moving this parking problem over to her neighbors.

Building Official Kevin Donohue said that if parking was allowed in front of the residence, it would have to be made open to the public, since it is on the right-of-way. City Attorney Jim Dye confirmed this.

Deputy Commission Chair Linda Cramer said she disagreed with allowing parking only in front of the Sotto property.

Commissioner Duke Miller noted the Sotto's owned an open lot next to the units, where residents had formerly been able to park, and that this had been roped off for the purpose of putting it up for sale.

Georgia Van Cleave of 525 Magnolia said she felt that if an exception were to be made here, one would need to be made in many other places in the city.

Barbara Sotto noted her situation was unique because the residents could not park across the street, and said that she could see no solution.

Randall Stover of 815 North Shore Drive noted that people opposite the park probably needed more relief than those on some other streets. He asked why the City could not permit the two residents to park in the empty parking lot across the street (where parking is prohibited after 10 pm up to 6 am).

John Hughes asked the Commissioners to consider the public health situation and the burden of enforcement.

Commissioner Carol Ann Magill asked if it would be possible to permit the residents of the Sotto property to park across the street at Bayfront Park. Commission Chair John Quam said this would be hard to enforce, because when people see two cars parked there, they would try to follow suit. Sgt. Kenney agreed with the enforcement issue, and also foresaw with this solution a problem with the City being asked to issue more permits.

Commissioner Duke Miller recommended having the 57 ft. in front of the Sotto property designated as 'open parking'. Sgt. Kenney said there would be no problem enforcing this if the signage was clear. **There was consensus for this. Commission Chair John Quam confirmed to Mark Barnebey that his client would get two parking spaces.**

Sgt. Kenney asked why on Crescent near the humpbacked bridge parking would be open, and predicted a problem there on Memorial Day, July 4th, and Labor Day. **There was consensus to have 'no parking' from the humpbacked bridge north, to Hibiscus.** Barbara Sotto said that it had been her hope that her residents could park near the humpbacked bridge.

Relative to #7, City Attorney Jim Dye confirmed with Commission Chair John Quam that the language would read 'on the westerly side from the bridge # [to be verified] to Hibiscus, with the exception of open parking for 57 ft. in front of the lot designated at 313 North Bay Blvd.'

Commission Chair John Quam read "684 ft. in a southerly direction from Hibiscus Road, for a distance of 57 ft.", and City Attorney Jim Dye said he found no problem with this language.

Regarding #12, Commissioner Carol Ann Magill asked for clarification of 'no parking' on Gulf Drive from Pine Avenue to Spring Avenue on the easterly side for a distance of 87 ft., and said she did not know that any parking was authorized there. She noted more visibility from the stop sign was needed. **There was consensus just to have the language say there was 'no parking' from Pine Avenue to Spring Avenue on the easterly side.**

Deputy Commission Chair Linda Cramer asked if the 'no parking' and 'parallel parking' signs would be removed from Palmetto Avenue. She confirmed with Commission Chair John Quam that there would be adequate area allowed for turning around at the end of the street. Deputy Commission Chair Linda Cramer asked if an exception similar to the one for the Sotto property could be made for one rental property on Palmetto Avenue.

Commissioner Dale Woodland noted that it was possible to park across the road on Palmetto Avenue. Commission Chair John Quam confirmed that there was driveway space available. Deputy Commission Chair Linda Cramer indicated that an elderly resident liked to park in front of her home's entrance. Commission Chair John Quam suggested that some residents park in a perpendicular fashion on their own properties.

Robin Wall of 112 Palmetto Avenue asked if the first three properties from Gulf Drive could remain 'open parking' on both sides. She described a complicated situation on Palmetto Avenue.

Georgia Van Cleave of Magnolia Avenue suggested designating two spots on Palmetto Avenue 'handicapped accessible', as at least one resident affected is handicapped.

Building Official Kevin Donohue said 117 Palmetto Avenue has 100 ft. frontage, while on the other side of street, 116 Palmetto and 118 Palmetto are both 50 ft. wide. Commission Chair John Quam said parking on Palmetto Avenue would be open from 100 ft. from Gulf Drive. Building Official Kevin Donohue verified that the distance to be stated would be '114 ft. from Gulf Drive'.

Discussion followed relative to the footage definition of right-of-way, which, City Attorney Jim Dye said, he would include in the Ordinance.

Discussion followed relative to Commissioner Duke Miller's question about the feasibility of establishing signs that read "resident only parking in the right-of-way between 10 p.m. and 6:00 p.m." City Attorney Jim Dye said that documented difficulties would be needed to justify such signs at Fern, Gladiolus and Newton. Commissioner Duke Miller said this would entail a whole new set of signs, when only one sign could be placed at the entrance of the City. City Attorney Jim Dye said that in traffic court, judges often ask if a sign was visible in the vicinity. Sgt. Kenney said cases had been thrown out of court by a magistrate who said that the sign prohibiting parking was not close enough to the site. He said that if the language is in the Ordinance and backed up with a sign, the deputies will be able to enforce the law. City Attorney Jim Dye noted that more than one sign could be placed on a pole. City Attorney Jim Dye suggested just placing the sign at the entrance to the City and waiting to see what a judge says when a case goes to court. City Attorney Jim Dye asked if this should be city-wide. Sgt. Kenney suggested making this only apply to the Beach Access Zone. **There was consensus, at Mayor SueLynn's suggestion to have the language apply to the entire City.**

City Clerk Alice Baird suggested her office would be flooded by inquiries as to what the sign meant. She said if the problem is at the beach, this should be stated on the sign.

Randall Stover of North Shore Drive acknowledged that much of the problem was where he lives, on the north end of the island. He said he believed it was key to put some teeth into the Ordinance so that it can be enforced.

MOTION: Commissioner Dale Woodland moved to extend the meeting to completion of Agenda Item #4, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

MOTION: Commissioner Duke Miller moved to adopt Ordinance No. 05-646 as amended, seconded by Commissioner Dale Woodland.

Roll Call Vote: Commissioner Dale Woodland – Ayes; Commissioner Carol Ann Magill – Aye; Commission Chair John Quam – Aye; Deputy Commission Chair Linda Cramer – Nay; Commissioner Duke Miller – Aye. Motion carried by a vote of four to one.

4. Right-of-way Use Permit Ordinance, Ordinance No. 05-631 Second Reading and Public Hearing.

Deputy Commission Chair Linda Cramer read the Ordinance by title. Building Official Kevin Donohue requested, on behalf of Public Works Director George McKay, to create an effective date of November 1st, a Monday.

MOTION: Deputy Commission Chair Linda Cramer moved to adopt Ordinance No. 05-631 effective Nov. 1, 2005, and Commissioner Carol Ann Magill seconded the motion.

Roll Call Vote: Commissioner Dale Woodland – Ayes; Commissioner Carol Ann Magill – Aye; Commission Chair John Quam – Aye; Deputy Commission Chair Linda Cramer – Aye; Commissioner Duke Miller – Aye. Motion carried unanimously.

PRESS COMMENT

PUBLIC COMMENT

Robin Wall of 112 Palmetto Avenue asked how many feet from the sign parking would be allowed. Commissioner Dale Woodland said the Department of Public Works could supply her with this information.

Mayor SueLynn congratulated the Commission for passing two good ordinances.

ADJOURNMENT

MOTION: Deputy Commission Chair Linda Cramer moved to adjourn the meeting, seconded by Commissioner Carol Ann Magill.

Vote: All Ayes. Motion carried.

The meeting adjourned at 9:07 p.m.

Respectfully submitted,

City Clerk Alice Baird

Date