

**CITY OF ANNA MARIA  
CITY COMMISSION  
SPECIAL MEETING  
MARCH 11, 2003  
7:00 P.M.**

**CALL TO ORDER**

**PLEDGE TO THE FLAG**

**ROLL CALL:** Mayor SueLynn, Chair John Quam, Commissioner Chuck Webb, Commissioner Duke Miller

**Absent with excuse:** Commissioner Linda Cramer, Commissioner Tom Aposporos

**Also present:** City Attorney Jim Dye, Sgt. John Kenney, Deputy City Clerk Diane Percycoe, Code Enforcement Officer Gerry Rathvon, Minutes Clerk Sylvie Reichmann

**Press:** Sun, Islander, Herald

Chair Quam read aloud the Pledge of Conduct for meetings

**1. PARKING**

Chair Quam summarized the events of the last meeting on parking. He said there had been considerable response from the public regarding the legality of the Commission's decisions. Chair Quam said that City Attorney Dye had responded to various questions via email. Commissioner Duke Miller said City Attorney Dye communicated in January 2003 to Mayor SueLynn that he still stood by his opinion, written in 1996, that the City could discriminate between residents and non-residents relative to parking. The City Attorney confirmed to Commissioner Miller that a study was probably needed to confirm whether the parking problem is caused by residents or non-residents, although there is anecdotal evidence from residents that the problem is caused by visitors.

Chair Quam asked the City Attorney to elaborate. The City Attorney said that there needed to be a rational relationship between the government interest in the situation and the law passed to correct the situation. He said the Court struck down the City of Maitland boat ramp law because the government could not show a relationship between the non-residents' parking and boat ramp use. City Attorney Dye said he wrote in his email that anecdotal evidence may not be enough in front of a judge. He said it appeared that many people participating in parking discussions over the years may have had personal opinions involved. The City Attorney said that an impartial study showing clear facts may help substantiate the ordinance.

Chairman John Quam said he believed that an engineer's study should be done. Commissioner Chuck Webb suggested that City staff and the Sheriff's Office Deputies could do the study by keeping a log of their observations. Commissioner Miller said he thought that possibly the only way to conduct the study would be to conduct random surveys on weekends, asking drivers where they live. He suggested that if the percentage of drivers from off Island is large enough, the study would justify the anecdotal evidence.

The City Attorney said it was important to define what the problem is. He said that parking on the right of way was not the problem. The problem was noise, traffic hazard, litter, sanitation, etc.

Commissioner Duke Miller read an excerpt from Florida Jurisprudence Second Edition, saying that a county zoning ordinance prohibiting the parking of vehicles without a permit in restricted residential areas had been upheld on the grounds that the ordinance did not violate the equal protection guarantee of the Fourteenth Amendment, because in order to reduce air pollution, and other environmental effects of automobile commuting, a community could reasonably restrict parking available to commuters and could also decide on restrictions to the flow of outside traffic in particular residential areas would enhance the quality of life by reducing noise, traffic hazards, and litter. He said he felt that Anna Maria has many of the problems cited in this Arlington county case. He asked if the survey finds that the majority of people who park on the weekends are from outside of Anna Maria, and if the City cites the noise, traffic hazard, and litter, would the courts uphold the ordinance. City Attorney Dye said the Arlington case and a Montana case dealt with constitutionality, and the Anna Maria ordinance would pass constitutional muster, but all ordinances still have to show the rational relationship between the problem and solution. Therefore, it is possible, but there is no way to be completely immune to challenge. The City Attorney confirmed that the City has received enough anecdotal evidence to support corrective legislation, and if the facts are there to back it up, it would probably pass muster.

Commissioner Duke Miller said that at the January 7th Commission meeting, a motion had been made and carried to establish zones for parking by permit only within the City. Discussion followed as to how many votes on the Commission are required to rescind a motion. It was clarified that three votes are needed. Chair John Quam said that a new motion could be made to override a previous motion.

Chair Quam asked how many cities anyone knew of that had resident-only parking. Commissioner Miller said Pasa Grille Beach. It was clarified that anyone can park in Sanibel if they buy a permit, and residents' permits are less expensive.

Commissioner Duke Miller said that in a plan similar to Sanibel's, residents would also need a permit to park within a zone, but outside the zone, no permits would be required. Chair John Quam said this was preferable to going residents-only. He said another study was needed, but that could take another year. Chair Quam noted that in Sanibel, they have a large department and a great deal of revenue was derived from parking. Commissioner Miller said the permit system met all seven of the criteria outlined by the Commission for a parking ordinance. Mayor SueLynn asked how the problems experienced by residents because of visitor parking could be alleviated by the permit system. City Attorney Dye said that a portion of fee revenue could be channeled into enforcement.

Discussion followed regarding turnarounds and where they could be constructed. Mayor SueLynn said she had walked several beach access streets with the City Engineer. The Mayor said load-in and load-out zones could be designated at the end of beach access streets. Commissioner Miller asked if streets without a turnaround could be designated 'no parking'. Mayor SueLynn said she and the engineer had not identified any streets without turnarounds. She said that the loading zone could be marked with "no parking beyond this point" signs. She demonstrated a graphic showing a ten ft. allowance either side of driveways, 30 ft. stop sign allowances, and designating parking places where they would fit on the right-of-ways. She said this arrangement would uphold safety ordinances and would introduce some order to the parking pattern.

Chair John Quam asked the Mayor to present a plan she had described as a compromise. Mayor SueLynn said that Ed Chiles and Dale Woodland had offered similar ideas. She said there would be a beach access zone, and within the zone, during the month of January, there would be signs on various streets describing parking limits ('B' streets) and some describing no parking ('A' streets). She referred to A & B streets hand-out sheets distributed to those present at this meeting. In February, the no parking streets and the limited parking streets would switch. Mayor SueLynn said that loading zones and handicapped parking would also need to be addressed. She agreed that increased enforcement would be needed, and referred to copies of a draft job description for a Parking Enforcement Officer who would work from the middle of March to the middle of September, patrolling beach access streets on Fridays, Saturdays and Sundays and public holidays. The Mayor said that for an investment of approximately \$8,400 the City could have additional enforcement. She added that the person(s) would be trained by the Sheriffs Department.

In addition, Mayor SueLynn advocated for leasing or acquiring land for public parking. She stressed that relief will come from using a combination of approaches. She said the plan was enforceable and easy to understand, and allowed for public access, and also would not have a negative impact on commerce and the Community Center. The Mayor confirmed that changeable signs are available. She said she thought the plan was fair, and that tags would be available for purchase to park in spaces covered by the A&B signs. Mayor SueLynn said that whatever is done should be done for a trial period of one year. She confirmed that the system she described could be done without permits. She recommended setting up some sort of a monitoring system to gather documentation relative to parking problems.

Commissioner Miller agreed that the 10 ft. driveway allowances and load-in / load-out zones should be implemented regardless of what approach the City takes to permitting. Commissioner Miller noted that the burden of parking still would

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be heavier for the property owners within the 'zone', than for residents elsewhere in the City. He said that this did not meet the criterion for even-handedness, nor the one relative to alleviation of nuisance. Commissioner Miller confirmed with Sgt. Kenney that the burden of enforcement is on the property owner, since if the Deputy did not see the violation, he or she could not write a ticket; the owner would need to fill out an Affidavit.

Chair Quam asked what tickets the Parking Enforcement Officer could write. Sgt. Kenney said that they could write parking tickets just as the Sheriff's Deputy can. City Attorney Dye said he would need to look into whether the proposed officer could write tickets for littering, since the State has passed a law that says it is a second degree misdemeanor.

Commissioner Chuck Webb said he would like to know from the Engineer what parking is available street by street within the zone. He said handicapped spaces also needed to be addressed within the zone. He said the issue is about a limited resource. The Commissioner favored limiting parking spaces, instead of A & B streets, and evening out the impact throughout the zone, which could also help alleviate potential enforcement and signage problems.

Commissioner Miller said that the A&B proposal does not meet the criteria for even-handedness. He recommended moving ahead with an ordinance according to decisions that have already been made by the Commission. Commissioner Quam said he felt the Commission needed a study to have sufficient information to satisfy the legality issue. Commissioner Miller pointed out that the threats of suit had been coming from those who never attended any of the meetings, and who is not a year-round resident of the City.

Commissioner Webb said it was made clear to him at this meeting that the Traffic Engineer's input would be needed in drafting an ordinance, if only to determine the number of spaces to allow within the zone.

Chair John Quam confirmed that Commissioner Miller was favoring the proposed draft ordinance which stipulated resident parking only within the zone. Chair Quam said he thought that legal problems could arise from this without a study being done. Commissioner Miller said that the City Attorney had confirmed that the City already had enough evidence to pass such an ordinance. City Attorney Jim Dye clarified that the problem needed to be defined. If it is because there are not enough spaces, then a license plate survey may reveal that non-residents are the parking majority. If the problem is the nuisance caused by non-resident parkers, then it is true that the City has already received a great deal of evidence from residents that this is true.

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Commissioner Chuck Webb noted that the prices of passes for residents and non-residents could be a self-limiting method and could be used for a trial period. Mayor SueLynn reminded the Commissioners that the City needed to comply with the interlocal agreement stipulating a minimum of 62 free, unlimited spaces within a quarter mile of Pine and Spring. Commissioner Webb noted this was why the Traffic Engineer was needed.

Commissioner Miller said he could not recall one resident in the City who actually lived in the zone indicate disapproval of residents-only parking, and said the complaints seem to be only coming from people who were not going to suffer the consequences of the Commission's actions. He said he would like to waive judgment on the Sanibel-type plan until he has had time to think about it.

### **Public Comment**

A resident asked how St. Petersburg and Pasa Grille Beach have legally had resident-only parking. Another resident confirmed that the 10ft. driveway clearance and 30 ft. from stop signs was a currently existing law in the City. A citizen suggested erecting a toll gate at the entrances to the island, in order to make the situation similar to Sanibel's. A citizen said more equality is needed in the number of cars parked on the various streets. He said there is crowding on some streets, while others are empty. He submitted photographs to the Commission.

A resident said the question should be 'What is the smallest number of parking spaces that can be put on this street?'. He objected to the idea of creating additional parking spaces and said there was no obligation on the part of the City to accommodate the general public. The resident said the City already does more for the general public than other municipalities in the County do. Commissioner Webb clarified that the Commission's intent is to shift the burden away from high impact areas.

A resident expressed approval of the Mayor's A&B street idea in combination with the 10 ft. driveway allowances and load-in / load-out zones. He said he thought this would be a great compromise worthy of a try, and added that enforcement would be simplified. Chair Quam clarified that the parking space reduction could be done within the zone. City Attorney Dye confirmed that the Commission could write different parking regulations for different parts of the City.

A resident suggested a review of the parking tickets issued within the zone over the last couple of years, to identify where the parking violators came from. The resident noted that growth continues to be encouraged via marketing despite the apparent lack of facilities. He did not favor the City buying parking lots.

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A beach access resident noted that two Commissioners that were re-elected supported the proposal on December 17th, and said this looked like the 'silent majority' endorsed their policy.

A resident addressed the importance of defining the problem and showing a rational relationship between the problem and the legislation. He said that he had yet to observe the level and severity of the problems described relative to parking and visitors. The resident questioned the logic of selling permits to park when the act of parking itself was not desirable. He questioned the validity of complaints from residents when they are relatively new to the area and knew about the existing parking regulations when they moved here. He favored the A&B solution as the best overall solution for everybody.

A resident favored limiting the number of parking spaces. She said the Parking Enforcement Officer should be employed all year round. The resident said the A&B signage could be confusing to people.

A resident said that parking enforcement needed to be administered evenly. She said her visitors had been inconvenienced by law enforcement, while commercial vehicles regularly inconvenience her and her visitors. She said many people landscape to alleviate the parking problem, and said this is a favorable way to deal with the problem

A business owner congratulated the Mayor for a thoughtful proposal. He said that as far as he knew, nothing had been decided yet. He said what the Mayor's plan does is provide fifty percent relief to those experiencing the most impact, and that it actually reduced the number spaces. The citizen said that those who do not want parking on the streets cite sloppiness and havoc as reasons to disallow visitors, but in his observations, visitors are not more of a problem than other people. He said that going residents only is asking for problems and goes against the City's visioning statement.

Commissioner Duke Miller noted that the press had carried several letters from citizens that were based on misinformation, e.g., that the public would not have beach access parking. Commissioner Miller clarified that at the last meeting, a motion had been made and passed to have resident-only parking.

A citizen asked where the zone is, and said that restricting regulation to the zone area will only negatively impact those outside the zone.

**MOTION: Commissioner Chuck Webb moved to extend the meeting to 9:30 p.m., seconded by Commissioner Duke Miller.**

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

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A citizen said there was a serious problem on Jacaranda, and cited severe problems with noise and trash.

A citizen asked what the threshold was for inappropriate behavior and other problems related to parking outside residences. He said the problem-causing people are not likely to buy decals or permits. The citizen advocated exercising some measure of control.

A resident of Palmetto Point subdivision said he had problems with noise and trash as well as inappropriate behavior. He said that this did not give him the right to restrict parking outside of his house.

A resident said that speaking to visitors on the beach was a pleasure. She said however that the amount of trash is an increasing problem.

A resident said he could understand that some business owners would not like to see resident only parking because they depend on residents' rights-of-way for parking, with some even parking in the driveways. The resident said the problem would only increase with growth and that the need is for resident-only parking.

A resident said it sounded like there is more of a need for beach patrol than for restricting parking.

**MOTION: Commissioner Chuck Webb moved to first have the Traffic Engineer evaluate the streets within the zones; next, the ordinance needed to be drafted as is, with resident only parking, and an alternative provision for sales of permits based on the Sanibel ordinance using resident & non-resident classifications. Commissioner Duke Miller made the second. Vote: All Ayes. Motion carried.**

**MOTION: Commissioner Chuck Webb moved to adjourn the meeting, seconded by Commissioner Duke Miller.**

**Vote: All Ayes. Motion carried.**  
The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Alice Baird  
City Clerk

Date Approved: 4/24/03