

**CITY OF ANNA MARIA
CITY COMMISSION MEETING
FEBRUARY 27, 2003 – 7:00 P.M.**

Call to Order.

Pledge to the Flag.

Present: Mayor SueLynn, Commissioner Cramer, Commissioner Webb, Commission Chair Quam, Commissioner Aposporos. Absent with excuse: Commissioner Miller. Also present: City Attorney Jim Dye, City Clerk Alice Baird, Deputy City Clerk Diane Percycoe, Sheriff's Deputy Sgt. Kenney, Captain Mayer, Minutes Clerk Sylvie Reichmann. Press: Islander, Sun, Bradenton Herald

CONSENT AGENDA

1. Approval of: Minutes:
Regular City Commission Meeting, 1/23/03; Special Meeting, 2/4/03, and 2/13/03
2. Appointment to Code Enforcement Board - Shirley O'Day (First Alternate - Term expires October 2005)
3. Appointment to Capital Improvements Advisory Committee - Glen W. Fausset (Term expires January 2004)
 - a. Appointment to Planning & Zoning Board - Jim Conoly (Term expires July 2003)

MOTION: Commissioner Chuck Webb moved to approve the consent agenda, with the minutes as amended, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

Chair John Quam announced that due to a possible lack of a quorum, agenda Item #8.d. - Height variance - 801 North Shore would not be heard at this meeting.

MOTION: Commissioner Tom Aposporos moved to continue Agenda Item #8.d., Height variance: 801 North Shore Drive, to Thursday, March 6, 2003 at 6:00 p.m. Commissioner Linda Cramer made the second.

Vote: All Ayes. Motion carried.

Chair Quam announced that he was adding an additional item to Agenda Item #8, Planning & Zoning Board Recommendations, item "e. Second Reading of the Cell Tower Moratorium Ordinance."

MAYOR'S UPDATE AND ANNOUNCEMENTS

Mayor SueLynn introduced Sheriff's Department Captain Mayer to those present.

The Mayor said she and Commissioner Cramer had attended meetings relative to the Belle Haven Store,

focused on grants to fund restoration of the building to its 1914 appearance.

Mayor SueLynn said she attended a meeting for Manatee County elected officials on January 30th. She said these meetings were a good opportunity to speak directly with County officials. She said parking was touched on at this meeting, but the central topic was the State's budget cuts and the new policy of shifting financial responsibility to local governments.

The Mayor said that at a meeting on January 18th, she was told that FPL had adequate equipment for current and future power needs on the Island, and that occasional difficulties with the power here were a result of isolated problems on the mainland. She said that underground cables were mentioned, but the response was that they are costly and this would need further discussion. Mayor SueLynn noted that the new Villa Rosa subdivision would have underground power cables.

Mayor SueLynn thanked Commissioner Cramer for recommending the invitation of the representatives of the Port St. Lucie, Florida, Public Works Department, who gave a presentation at the February 19th Barrier Island Elected Officials meeting hosted at Anna Maria City Hall. She noted Port St. Lucie issues revocable permits, and suggested the Commission consider these as an alternative to the vacating of property. The Mayor noted that at that same meeting the Island elected officials were informed that the County had \$493,000 for variable signs. She said two 4 ft. x 8 ft. signs were slated for Manatee Ave. & 75th Street, and Cortez Rd. and 75th Street locations. Mayor SueLynn said two smaller, ground level signs were being ordered for Holmes Beach and Coquina Beach.

The Mayor said she had been working with the City Engineer and the Capital Improvements Advisory Committee, and found these new resources to be very helpful.

Mayor SueLynn reported attending a Rotary meeting, as well as a meeting for the Manatee County Legislative Delegation presented by the Manatee Chamber of Commerce. She said that several State Senators attended and that the central topic was budget cuts. The Mayor said the legislators told those present that this year 'everything needs to be put on the table'. She said many programs are being eliminated altogether, with some prevention programs in that number. Mayor SueLynn said another topic discussed was the fact that some physicians are leaving the state because they

cannot buy insurance at any price. In summary, the Mayor said the financial changes at State level will have tremendous local impact.

Mayor SueLynn described the Trust for Public Land, a national, non-profit organization founded in 1972 for the purpose of helping cities and government agencies identify lands they would like to protect, and assisting them in purchasing them. She said Becky Bremser of that agency was investigating the possibility of buying Roser Cottage, which would take it off the market to give the City or the State time to purchase it.

APPOINT DEPUTY CHAIR PERSON

MOTION: Commissioner Linda Cramer moved to appoint Commissioner Chuck Webb as Deputy Commission Chairperson, seconded by Commissioner Tom Aposporos.

Vote: All Ayes. Motion carried.

COMMUNITY CENTER LEASE

Commissioner Tom Aposporos expressed the desire to read the original lease dated August 21, 1978. He said he only had copies of the March 1971 and October 1975 versions, and could only assume that the original lease was a consolidation of these.

City Attorney Jim Dye described the two-page lease as generous on the City's part, and said it allows the Community Center Corporation to run the facility as a Community Center, with some oversight by the City in matters relating to construction.

Commissioner Chuck Webb said it would be a good idea to add a 'hold harmless' clause to Item #3., and Commissioner Cramer agreed.

MOTION: Commissioner Linda Cramer moved to approve the Community Center Lease, amended to insert language in #3. to the effect that "The City of Anna Maria shall be an additional insured under the Anna Maria Community Center insurance policy for the property." Commissioner Chuck Webb seconded.

Vote: All Ayes. Motion carried.

Public Comment

A resident asked why copies of the two-page Community Center Lease were not made available to members of the public at this meeting, and asked what the purpose of changing it was. Chair Quam responded that it was to extend the lease ninety-nine years. Mayor

SueLynn noted that there had been two or three public meetings during which the lease was reviewed and the Commission agreed to extend it.

[Commissioner Tom Aposporos left the meeting at 7:37 p.m.]

A resident asked what the purpose for extending the lease was, and City Attorney Dye responded that the Community Center Corporation had found lenders reluctant to fund them because they do not own the property, but it was determined that a long lease helped mitigate that argument. Commissioner Cramer noted that the Community Center's original request was for deed and title, and the Commission had offered the longer lease as a compromise.

PLANNING & ZONING BOARD RECOMMENDATIONS

a. Lot Split: 224 Periwinkle

Planning & Zoning Board Chair Doug Copeland reported that on January 27, 2003 the Board had recommended approval of the lot split and found that it would meet the City's requirements. They also recommended that if the City Attorney determined that a new subdivision plat was necessary that the City approve the new subdivision plat.

Engineer Jeff Hostetler, representing the Goggins (new owners), distributed copies of the proposed lot split. He explained that since he was not sure if a new subdivision plat was required, he had gone ahead and done both. He said that a new subdivision plat would make future surveys more difficult, and that it would be easier to track the continuity of title with a lot split.

City Attorney Dye said that usually a new subdivision plat was required when a property was divided into three or more parcels, but it was a question of how far back into the splitting of properties one wanted to go. He mentioned that Holmes Beach had passed an ordinance in this regard. The City Attorney said he was suspicious of lot splits inside an existing subdivision, but said it was a policy decision for the Commission. Mr. Hostetler said that the actual measurements of the property differ with the existing plat. He said that the subdivision regulations in the land development code were geared to new subdivisions, and mentioned that the existing plat would need to be vacated.

City Attorney Dye said that the lot split would need to be checked against the density cap set forth in the City's Comprehensive Plan. He said the densities for the different zones were based on calculations relative to the existing plats, and that the proposed arrangement could exceed the density cap for R1.

Mr. Hostetler confirmed that the 7 ft. setback would be met once the garage wall was knocked down. Commissioner Webb confirmed that the owners were planning to make three lots into four. He said he had a problem with the adjacent non-conforming lot that would be created as a result of the proposal, and added that he would feel better if the owner / neighbors came into City Hall and combined the lot into the one they already own. Mr. Hostetler pointed out that his clients were also removing a non-conformity.

Discussion continued regarding lot splitting versus replatting. Commissioner Cramer noted the owners were trying to lessen population density by improving the triplex and creating a conforming lot.

Chair Quam asked City Attorney Dye if he thought there would be any problems relative to a lot split, and he responded that there could be. He said the split would need to be recorded. The City Attorney said that the best use of a lot split is under the level of subdivision on previously unplatted land. He said the proposal before the Commission met code requirements, but that future regulations should be considered.

MOTION: Commissioner Linda Cramer moved to approve the lot split at 224 Periwinkle Plaza, DP# 7111000001 according to the Planning & Zoning Board's recommendations, and Commission Chair John Quam seconded. Roll call vote: Two Ayes, One Nay. Motion carried.

Public Comment

A resident expressed the opinion that it would be better for the City to have the lot split and have two dwellings. Another resident clarified for the record that the motion did not include a requirement for a new subdivision plat.

a. Lot Split: 302 Spring Avenue

Planning & Zoning Board Chair Doug Copeland advised that on January 27th the Board recommended

the City allow the lot split, effectively changing the direction of two contiguous lots.

Commissioner Webb confirmed that the lots are in the R2 zone. The attorney representing the owners described the proposed split and confirmed that it meets with the population density cap.

MOTION: Commissioner Chuck Webb moved to approve the Planning & Zoning Board's recommendation to accept the lot split at 302 Spring Avenue, DP#70144.000/1, seconded by Commissioner Linda Cramer. Vote: All Ayes. Motion carried.

Commissioner Cramer asked if the shed on the property had been removed as stipulated by the Planning & Zoning Board. The attorney said it had not, but would be, and that the rear overhang the P&Z Board had ordered removed had already been taken down and this had been verified by Public Works Director George McKay.

b. Vacation Request: 117 Peppertree Lane

Planning & Zoning Board Chair Doug Copeland advised that on January 27th the Board recommended that the City vacate the easement through the garage in exchange for an L-shaped 7 ft. utility and drainage easement; running from Peppertree Lane southeasterly to the rear of the property and southwesterly to the existing easement on the adjacent lot. The recommendation was contingent upon written confirmation from FPL and Manatee County utilities that it had no plans to use the current easement. The Board also asked the owners for a new survey and drawings.

The owner's representative, Adron Walker, PA, distributed a package to Board members, depicting the proposal and request. He cited previous building permits issued for improvement to the garage: one in 1970, another in 1996, and one more in 1997. He said the current proposal met with the State regulations for vacation. Mr. Walker referred to the package distributed at this meeting, and described the new proposed easement. He said that allowing the easement to remain under the garage would be a long term problem, and could cause title problems for future owners.

MOTION: Commissioner Chuck Webb moved that the City approve the vacation of the 10 ft. wide platted easement as shown on the

petitioner's Exhibit 13, contingent upon receipt of a Deed of Easement for the proposed 7 ft. wide easement also shown on Exhibit 13.
Commissioner Linda Cramer seconded.
Vote: All Ayes. Motion carried.

MOTION: Commissioner Chuck Webb moved to extend the building permit an additional six months, seconded by Commissioner Linda Cramer.
Vote: All Ayes. Motion carried.

PUBLIC COMMENT

A resident reported that the results of a poll relative to the Anna Maria Building Official position showed that the majority of those asked preferred that the City have its own Official.

MOTION: Commissioner Linda Cramer moved to extend the meeting until the agenda is completely addressed, along with an adjournment for a 7 minute break. The motion was seconded by Commissioner Chuck Webb.

Vote: All Ayes. Motion carried.
 The meeting adjourned until 8:52 p.m.

Chair John Quam again called the meeting to order.

ORDINANCE 03-602 - WIRELESS COMMUNICATION FACILITIES

Chair Quam declared the public hearing open relative to Ordinance 03-604 regarding extending the moratorium on Wireless Communication Facilities for sixty days. Chair Quam asked City Attorney Dye to read the ordinance by title.

MOTION: Commissioner Linda Cramer moved to adopt Ordinance 03-604, seconded by Commissioner Chuck Webb.
Vote: All Ayes. Motion carried.

STATE RETIREMENT RESOLUTION - Webb

Commissioner Webb described the background behind the resolution and how the City employees lost their League of Cities retirement policy. He said under the proposed retirement plan, the City would provide as a contribution to the State plan 5.76% of employees' salaries. The Commissioner noted that the retirement credits are portable, and that all State agencies, all counties, and many cities are current members of the plan.

City Clerk Alice Baird gave an overview of the two plans offered by the State: the Defined Benefit plan, and the Defined Contribution plan. She said that under both plans, employees are vested after six years. The City Clerk indicated that opinions among the employees favor the State retirement plan. She said that the system is non-contributory on the part of employees, and the rate of employer contribution is set by the Florida legislature each year. City Clerk Baird noted that since 1986, the City has always paid a 10% rate for the employees' retirement, and that this year the State rate is 5.76%.

The City Clerk said that if approved, the effective date for joining the retirement plan would be retroactive to April 7, 2001, which is the date at which she would have entered into League of Cities plan had it not been dissolved. She indicated that the rest of the City employees became eligible after she did, and effective dates would follow accordingly.

Chair Quam confirmed with City Clerk Alice Baird that elected officials must be included in the plan, but would be able to opt out. The City Clerk said the cost would be about \$23 a month for the elected officials, and \$46 per month for the Mayor, if they choose to stay in the plan. She confirmed to Commissioner Cramer that her office would need to research the vesting period for Commissioners.

MOTION: Commissioner Chuck Webb moved to approve the State retirement plan for the employees of the City and adopt Resolution 586; and to amend paragraph 6., the Termination clause in the agreement, and the corresponding section in the Resolution by adding a sentence to read, "Upon joining the system, elected officials will have the ability to opt out according to Florida Statute." Commissioner Linda Cramer seconded.
Vote: All Ayes. Motion carried.

Public Comment

A resident asked what the overall cost would be to the City, and the City Clerk responded that the State of Florida would compute the annual cost to the City at the end of the State's fiscal year.

A resident expressed the opinion that it seemed useless to pay into a retirement plan for elected officials because of their short terms and low salaries. He asked Commissioner Webb how he would benefit, and the Commissioner responded that in his case, he would vest, having already served under the government plan for

over seven years when vesting used to be at eight. Discussion followed, and it was reiterated that elected officials who opt in would have their salaries reduced by \$23 so as not to have a net increase in income. Commissioner Webb pointed out that even if a Commissioner became vested, the retirement benefits are based on earnings, which would be minuscule where the Commissioners of the City of Anna Maria are concerned. He clarified for the resident that the plan is run by the State, not an insurance company.

A resident questioned where in the agreement the provision for opting out was shown in the section regarding Termination. He also noted that it appeared that the City could not get out of the plan once enrolled. Commissioner Webb confirmed that the City as a whole could not cancel, but that did not preclude the Commissioners from opting out.

City Attorney Dye noted that the resident was speaking about the agreement, and the Commissioner was speaking about the Resolution. Commissioner Webb suggested that a sentence be added to paragraph 6, indicating that elected officials could opt out of the plan.

City Attorney Dye confirmed with Commissioner Webb that the Florida Commission on Ethics asserted that as long as the vote deals with a class, and not individuals, the Commissioner was obligated to vote, even though joining the plan would benefit him.

Sgt. Kenney commented that the plan has benefits based on a combination of age and years of service, and that overall he found it to be superior to pension systems in other states.

REVIEW - CITY HALL ARCHITECT CONTRACT (Dye)

Chair John Quam announced that this item would not be addressed at this meeting due to the architect's lack of availability.

REVIEW - CITY ENGINEER CONTRACT (Dye)

City Attorney Dye indicated that the agreement had been updated since it was put in the package to include small changes to simplify the identity of the operative person on the City's side to "the City", with no other substantive changes. He noted the agreement had good indemnification language.

MOTION: Commissioner Chuck Webb moved to approved the agreement for professional engineering

services presented by Baskerville-Donovan to the City of Anna Maria for services within the City of Anna Maria. Linda Cramer seconded.

Vote: All Ayes. Motion carried.

Public Comment

Chair Quam confirmed for a resident that the study portion of engineering services could not exceed \$50,000 per project. City Attorney Dye clarified that these are the thresholds set by the State, beyond which it would have to be put up for bids.

JOINT PLANNING COMMISSION AGREEMENTS TO IMPLEMENT THE ACCORD

Commissioner Chuck Webb said he thought the Accord should not be seen negatively, acknowledging recent comments relative to the weight of the County, Bradenton, and Palmetto's representation. He indicated that the agreements would formalize the Island's input to County planning, giving residents a voice that otherwise would not have the chance to be heard.

Chair John Quam noted that all the cities approved the Accord, and now the Bradenton City Council has decided to shelve it because they need to study the road impact fee. He indicated he favored the impact fee for newcomers, and would not like to see it pushed aside. City Attorney Dye said that an impact fee ordinance needs to be based on actuary figures, and it was his understanding that Bradenton was indefinitely shelving the agreement to allow time for the necessary study -- with no intent to renege.

MOTION: Commissioner Chuck Webb moved to accept the Interlocal Agreement to Implement the Accord, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

Public Comment

A resident expressed opposition to the way the agreement contained a stipulation to support the 1/2 cent sales tax increase. He said any general tax should be put to a public vote. Commissioner Webb confirmed that the County is obligated to support the 1/2 cent sales tax, and Anna Maria's joining the Accord will not affect that either way.

A resident confirmed that there would be just one representative from all Island cities. Commissioner Webb pointed out that the main issue in the Accord was annexation, and there is no adjacent unincorporated land for the Island cities to annex. Nonetheless, he said it

would be important for Island residents to be represented.

Commissioner Tom Aposporos rejoined the meeting at 9:35.

City Attorney Dye pointed out that there were two agreements for the Accord: the interlocal agreement establishing the Joint Planning Committee, as well as the interlocal agreement to implement the Accord.

**MOTION: Commissioner Chuck Webb moved to approve the Interlocal Agreement Establishing the Joint Planning Committee, seconded by Commissioner Linda Cramer.
Vote: All Ayes. Motion carried.**

Mayor SueLynn confirmed with City Attorney Dye that the ordinance for the moratorium on wireless facilities would need to be signed by the day following this meeting.

CIAC RECOMMENDATIONS - Webb

Commissioner Chuck Webb drew the Commissioners' attention to the Draft Preliminary Stormwater Research Summary Report recently submitted to the City of Anna Maria by the City Engineers, Baskerville-Donovan. He gave an overview of the document, and described the three categories of project scope and the Action Plan. The Commissioner said that the Capital Improvements Advisory Committee and Public Works Director George McKay were asking the Commission to approve moving ahead with the Level One projects, and to authorize the City Engineers and the Capital Improvements Advisory Committee to begin looking at the Level Two projects.

**MOTION: Commissioner Chuck Webb moved to adopt the recommended Action Plan from the Capital Improvements Advisory Committee, seconded by Commissioner Linda Cramer.
Vote: All Ayes. Motion carried.**

Public Comment

A resident clarified with Commissioner Webb that the vote was to approve the go-ahead for already budgeted projects identified as priorities.

PRESS COMMENT

A member of the press confirmed with Commissioner Webb that there was no conflict with the City Charter, with Commissioners voting on the retirement issue, as long as if they do not opt out, their salaries are reduced accordingly.

ADJOURNMENT

MOTION: Commissioner Chuck Webb moved to adjourn the meeting, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.
The meeting adjourned at 9:52 p.m.

Respectfully submitted,

Alice Baird
City Clerk/Deputy City Clerk

Date Approved: 3-27-03