

**CITY OF ANNA MARIA  
CITY COMMISSION  
AUGUST 28, 2003  
7:00 P.M.**

Call To Order (7:05)

Pledge To The Flag

Roll Call: Commissioner Tom Aposporos, Chair  
John Quam, Commissioner Chuck Webb,  
Commissioner Linda Cramer, Mayor SueLynn  
Absent with excuse: Commissioner Duke Miller  
Also present: Bill Galvano (Florida House of  
Representatives), City Attorney Jim Dye, Sheriff's  
Deputy Sgt. Kenney, Public Works Director George  
McKay, Code Enforcement Officer Gerry Rathvon,  
Deputy City Clerk Diane Percycoc, City Clerk  
Alice Baird, Minutes Clerk Sylvie Reichmann  
Press: Sun, Islander, Herald

**CONSENT AGENDA**

1. Approval of Minutes: July 24, 2003, Reg.  
Mtg.; Special Comm. Mtg. July 29, 2003
2. Re-appoint Margaret Jenkins and Charles  
Canniff to P&Z (Terms expire 7-06-03)

**MOTION: Chuck Webb moved to approve the  
consent agenda, seconded by Linda Cramer.**

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

**REPORTS & UPDATES**

**Commissioners**

Chair John Quam reported that he attended a Florida  
League of Cities conference in Orlando; an  
Emergency Management meeting in Holmes Beach;  
and the Barrier Island Elected Officials meeting. He  
asked from comments from the Commissioners  
regarding the City department reports distributed  
with this meeting's agenda.

**MAYOR'S UPDATE AND  
ANNOUNCEMENTS**

Mayor SueLynn announced two openings on the  
Planning & Zoning Board. She said one application  
had been received so far, from resident Jim

DePorre. The Mayor asked those present to apply  
or recommend candidates.

The Mayor said that the Code Enforcement Officer  
had identified trash cans in the week previous to  
this meeting, and had then received several calls  
from citizens who were paying for back door pick  
up from Waste Management and were concerned  
that it was not being provided. Mayor SueLynn  
said that she and Code Enforcement Officer Gerry  
Rathvon then had a meeting with Waste  
Management to discuss their introducing an  
automated trash collection system to the Island, and  
at that time raised the issue of unprovided back door  
pickup services. She said that from among the  
available solutions, they decided to paint a white 2"  
or 3" square on the pavement outside houses with  
back door pickup.

Mayor SueLynn said she also attended the Florida  
League of Cities conference and spoke before the  
Finance & Taxation Committee regarding the  
occupational license tax and urged them to support  
a change in State legislation, and to make it one of  
their priorities in 2004 to lobby for legislation to  
enable each municipality to set its own occupational  
tax rate and schedule as it deems appropriate. The  
Mayor said this is really a home rule issue. She said  
the cities of Tampa and Port St. Lucie also have  
similar problems with occupational licenses. Mayor  
SueLynn said she has an appointment  
Representative Bill Galvano and would be making  
appointments with other elected officials at all  
levels to talk about the tax.

The Mayor said she attended the Manatee County  
EAR on August 21, 2003. She said the only one  
other Island representative was from Longboat Key.  
The Mayor shared geographical and demographic  
statistics as of 2000, which she gathered at the  
meeting. She said trends indicate that every day  
14.2 new people will move into the county in the  
first decade of the century. The Mayor said that  
probably the most disconcerting statistic was  
poverty, with currently 50% of children born in this  
county each day being born into poverty. Mayor

SueLynn said the county's comprehensive plan will influence Anna Maria perhaps more than its own, and that the city needs to make the county take the Island into account.

**FLORIDA HOUSE OF REPRESENTATIVES  
BILL GALVANO RE: 2003 LEGISLATIVE  
SESSION & SPECIAL SESSIONS.**

Mayor SueLynn gave an overview of the background of Representative Bill Galvano and introduced him to the Commission. Said she had had the opportunity to meet with him in Tallahassee and indicated that he had asked for the opportunity to speak to the Commission.

Representative Galvano said that communication was the key to effective legislation in Tallahassee. He said Anna Maria needs to be represented in its own unique way, and this is one of the reasons he came this evening. The Representative said that \$50 million from Skyway Bridge tolls would be coming to Manatee County for road projects.

Representative Galvano gave an overview of major legislation passed this year. Said he is available to the Commissioners and said he felt they are accessible themselves, which is good for communication. He thanked those present for listening to his presentation.

**Public Comment**

A citizen expressed concern about phosphate problems and said that she thought it would be a good idea to make the companies pay for clean-up. Representative Galvano said that new legislation had been passed to make sure that clean up issues would not be a problem in the future.

A citizen expressed concern about the number of the amendments to the constitution that are proposed in Florida and said that special interest groups put undue pressure on government. Representative Bill Galvano acknowledged the problem. He noted however that South Florida voters are affecting the whole state.

A citizen expressed concern about arsenic in drinking water and cautioned against privatization of water. She also asked a question about voting machinery. Representative Galvano said that Manatee County is one of the most advanced in this area, and no problems were experience in the last election.

Chair John Quam thanked the State Representative for coming to address the Commission and citizens present.

**SWIMMING POOL SETBACK ORDINANCE  
#03-610, FIRST READING (AMENDMENT TO  
CODE 114.222) – PLANNING & ZONING  
RECOMMENDATION**

Commissioner Chuck Webb read the ordinance by title.

Chair John Quam noted that in Section 2 “no more than 24 inches” of decking was included. Commissioner Chuck Webb indicated that he did not see the deck as an impediment to the reason for having a setback, therefore the language should be removed. City Attorney Jim Dye said the concern had been to aid drainage by providing a buffer of green space between the impervious surface of the deck and the property next door. Chair John Quam said that he was in favor of leaving the language in. Mayor SueLynn said there was an ongoing problem with having drainage on private property, and that she thought that leaving a space could probably be useful in future, since already too much ground is covered in the city. Commissioner Webb said setbacks are owned by the property owners, and cannot be treated as easements. Commissioner Linda Cramer said she would like to see some amount of green space in the setback, and looked forward to receiving information from the Planning & Zoning Board.

Chair John Quam said the second reading of the ordinance would be on September 28<sup>th</sup>, 2003.

**OCCUPATIONAL LICENSE TAX  
ORDINANCE #03-609, SUSPENDING  
COLLECTION OF OCCUPATIONAL  
LICENSE TAXES – SECOND READING &  
PUBLIC HEARING**

Commissioner Chuck Webb read the ordinance by title.

**MOTION: Commissioner Chuck Webb moved to approve Occupational License Tax Ordinance #03-609, seconded by Commissioner Linda Cramer.**

**Roll call vote: All Ayes. Motion carried.**

**Public Comment**

A resident verified that City Attorney Dye approved of the contents of the ordinance.

**PREPARATION & PLACEMENT OF  
RESIDENTIAL CONTAINERS AND GARDEN  
TRASH COLLECTION (AMENDMENT TO  
CODE SEC. 46-40) FIRST READING**

Commissioner Chuck Webb read the ordinance by title. Chair John Quam suggested using the times of 5 p.m. & 9 p.m. in Section 1, b., for removal of containers. He also recommended adding a paragraph authorizing backdoor pick up under separate arrangement with the hauler. **There was consensus to have this added and to change the times.**

Commissioner Linda Cramer said she had spoken with Rose Quinn at Waste Management regarding stickers for identifying trash containers for back door pickup.

**Public Comment**

None offered.

**HIGH GRASS, JUNK VEHICLE ORDINANCE  
– FIRST READING**

Commissioner Chuck Webb read the ordinance by title.

Chair John Quam noted that the only change was

adding “turf grass in excess of 12” in height”.

Commissioner Chuck Webb noted that some lots provide habitat and said he did not like to see mowing just for the sake of mowing.

Chair John Quam suggested an amendment to the last page, in the second half of the definition, to read “vehicles must have current *license plates*” instead of “*registration*”.)

Commissioner Chuck Webb said the second part of the amendment was going a bit too far by requiring vehicles to be covered or kept in storage. **He recommended removing the last sentence and there was consensus to do so.**

**Public Comment**

A resident asked if Pensacola Bahia was a turf grass. Commissioner Webb said there was a question as to what kind of grass was turf grass. She noted that after just a week, her grass could be in violation.

A resident said the lot on Magnolia was more like a field than a lawn, and agreed with Commissioner Webb that it is a habitat, and that there is very little left in the city.

**LINE OF CREDIT – POLICY / PROCEDURE /  
AMOUNT**

Chair John Quam referred to the Commission's request at the last meeting for the Mayor to develop a policy and procedure for a line of credit. Mayor SueLynn gave her presentation the requested items. She said she would not like to see the line of credit limited to one specific use, and would like to see flexibility.

Extended discussion followed regarding possible uses and the need for a line of credit.

City Attorney Jim Dye noted that this is just to approve a policy and procedure, and that the line of credit itself will take a separate vote by the Commission.

**MOTION: Commissioner Chuck Webb moved to adopt the line of credit procedure and policy as presented and to authorize the Mayor to proceed to secure a line of credit for \$1.8 – \$2 million, depending on what is financially feasible for the City, and to bring the application back to the City Commission for approval. Commissioner Linda Cramer seconded the motion.**

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

### **Public Comment**

A citizen said the procedure should be more detailed relative to the schedule of debt.

A citizen said she would not like to see the line of credit used for anything other than emergencies.

### **DISPOSAL OF OBSOLETE EQUIPMENT**

Mayor SueLynn reported that obsolete safes and other articles in City Hall needed to be disposed of.

Commissioner Linda Cramer recommended asking for bids for the safes, using \$100 to \$200 or best offer. The City Clerk said she would recommend that bids be sealed. The Mayor confirmed the City staff would advertise and take bids.

Commissioners Linda Cramer and Chuck Webb recommended selling the ATV for parts or taking it to a junk yard.

Chair John Quam confirmed that any private property left at City Hall needs to be advertised for sale in a separate procedure.

### **PUBLIC COMMENT**

A resident noted that on the financial report, the City had money with the Wachovia Bank. He asked about progress on moving it to a local bank.

Deputy City Clerk Diane Percycocoe said there had been no decision to move the money to a local bank. The resident noted that no mention of overtime is in the Public Works Department Report.

A resident noted there was a Line Item transfer last month. He asked for the \$15,000 back for the flapper. He said the problem had gone behind experimental swales.

**MOTION: Commissioner Chuck Webb moved to extend the meeting until completion of the agenda, seconded by Commissioner Linda Cramer.**

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

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION CONSENT ORDER SETTLEMENT**

**MOTION: Commissioner Chuck Webb moved to authorize the Mayor to sign the consent order and pay the fine of \$850, and to have City Attorney Jim Dye talk with the DEP regarding paragraphs 3 and 4 to correct any misstatement of fact. Commissioner Linda Cramer made the second.**

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

**MOTION: Commissioner Chuck Webb moved that once the total cost is determined, to authorize the Mayor to approach the contractor to have them compensate the City for their negligence, and if the contractor refuses to cooperate, to return to the Commission for further instruction. Commissioner Linda Cramer made the second.**

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

Commissioner Linda Cramer asked whether the contractors had been bonded, and Public Works Director George McKay replied in the negative. She asked if it would not be better to require future contractors for the City to be bonded.

### **Public Comment**

A resident recommended withholding payment from the contractor that did the damage. A citizen said a significant of time and money would be needed for the replacement of the mangroves. He

asked more details about the contractor and asked who supervised the contractor.

**SKATEBOARD INTERLOCAL AGREEMENT**

Chair John Quam said that if the hold harmless language was taken out of the interlocal agreement, then Holmes Beach would revert to the \$10 fee for residents of Anna Maria. The Mayor said Mayor Whitmore had this item on the Holmes Beach agenda for discussion in September.

Commissioner Linda Cramer said she objected to the liability language being removed from the agreement. City Attorney Jim Dye said he thought the risk of the City being sued was extremely low.

Chair John Quam noted that the document distributed to the Commissioners was identical to that being adopted.

**MOTION: Commissioner Chuck Webb moved to agree to adopt the interlocal agreement as presented to the City, seconded by Commissioner Linda Cramer.**

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

**LINE ITEM TRANSFER, \$5,400 FROM CONTINGENCY LINE ITEM TO CITY BEAUTIFICATION (EEEC) LINE ITEM**

Chair John Quam said that only \$3,200 instead of \$5,400 was needed for a water tank for new plantings, beach signs, memorial book, trash cans to complete receptacles on beach access, and to finish plantings around City Hall, on Spring St. and on Jacaranda.

**MOTION: Commissioner Chuck Webb moved to approve the transfer \$3,200 from the Contingency Line Item to the City Beautification Line Item, seconded by Commissioner Linda Cramer.**

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

Mayor SueLynn confirmed that the beach dune signs would not be put directly on the dunes.

**CAPITAL IMPROVEMENT ADVISORY**

**COMMITTEE – APPOINT COMMISSION LIAISON**

**Commissioner Chuck Webb recommended that Commissioner Duke Miller be the Commission liaison to the Capital Improvements Advisory Committee, and there was consensus to appoint him.**

**CITIZEN OF THE YEAR COMMITTEE – COMMISSION APPOINTMENTS**

Chair John Quam appointed Betsy Smith and instructed the rest of the Commission to contact Mayor SueLynn with their appointments.

**SET DATE FOR NEXT PARKING MEETING**

September 18<sup>th</sup>, 2003 at 7:00 p.m.

**PRESS COMMENT**

None offered

**ADJOURNMENT**

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

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

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Alice Baird  
City Clerk

Date Approved: 9-25-03