

**CITY OF ANNA MARIA
CITY COMMISSION MEETING
JULY 24, 2003
7:00 P.M.**

Call To Order (7:10)

Pledge To The Flag

Roll Call: Commissioner Tom Aposporos, Chair

John Quam, Commissioner Chuck Webb,

Commissioner Duke Miller, Mayor SueLynn

Absent with excuse: Commissioner Linda Cramer

Also present: City Attorney Michele Hall, Sheriff's

Deputy Sgt. Kenney, Deputy City Clerk Diane

Percycoe, City Clerk Alice Baird, Minutes Clerk

Sylvie Reichmann

Press: Sun, Islander, Herald

CONSENT AGENDA

1. Approval of Minutes: June 26, 2003
Commission Meeting
2. Approval of Woman's Equity Day Proclamation
August 9, 2003
3. Resolution #588 - Forestry Grant
4. Line Item Transfer \$1,800 for Pontoon Trailer

MOTION: Commissioner Chuck Webb moved to approve the minutes as amended, seconded by Commissioner Tom Aposporos.

Vote: All Ayes. Motion carried.

REPORTS & UPDATES

Commissioners

No reports

**MAYOR'S UPDATE AND
ANNOUNCEMENTS**

Mayor SueLynn reported that she attended a County Council meeting on July 17, 2003 regarding reaction County-wide to the widespread and indiscriminate fireworks. She said only two persons out of the twenty-five who attended wholeheartedly supported the fireworks and did not wish anything to be done. The Mayor said a large number of

people purchased thousands of dollars of fireworks each. She said there was agreement that on July 4th it was virtually impossible to enforce state laws concerning fireworks. The Mayor said laws more enforceable at other times. Mayor SueLynn noted there was discussion about the fact that the fireworks are illegal, but are still widely available for purchase, and about apparent loopholes in existing laws. She said a solution to the problem would have to come at the State level, with the counties and municipalities working together. The Mayor said she intends to speak with the legislative committee about the fireworks.

Mayor SueLynn noted that during recent rains and windstorms, there had been several small fires caused by trees and utility wires. She asked that anyone who had such a fire in their alleyway to contact her, as her office would be coordinating with FPL to trim trees around wires.

The Mayor reported that the problem experienced recently with a manhole cover on Palm and North Shore was being investigated and the County was looking at realigning the lines. She said they told her on July 16, that the lines are 30-40 years old and many are cracked. The Mayor said that Public Works Director George McKay, BDI and herself would be meeting with waste water management of Manatee County to discuss the problem in greater detail.

The Mayor recalled that at a joint meeting of the Commission and the Planning & Zoning Board, Charlie Canniff, Dale Woodland and Chuck White, had been named to sit on the Comprehensive Planning Committee, and that she had been asked to identify two additional members. She said she had accepted Doug Copeland's offer to serve on the committee. Mayor SueLynn named Suzanne Douglas and Sandy Rich as the two members from the public she had chosen. She said their resumes were distributed to the Commissioners at this evening's meeting.

(continued)

The Mayor noted that the dates for the budget work sessions and two hearings posted and verified that the Commissioners were aware of them. She said the Citizen of the Year Committee needed to be formed to make this year's selection.

Mayor SueLynn said the papers had been signed for a waiver of the ADA ramp in Commission chambers in City Hall.

The Mayor reported that ten resumes for had been received for the position of Building Official at City Hall.

**EMERGENCY PREPAREDNESS
ORDINANCE #03-608 – SECOND READING &
PUBLIC HEARING.**

Commissioner Tom Aposporos read the ordinance by title.

MOTION: Commissioner Tom Aposporos moved to adopt Emergency Preparedness Ordinance #03-608, seconded by Commissioner Chuck Webb.

Roll call vote: All Ayes. Motion carried.

Public Comment

A resident asked if the ordinance had been changed since the first reading. She said that the language regarding who could carry firearms needed to be clarified. Commissioner Webb said this refers to the right to bear arms, permitted or otherwise, in public places only, not on private property. The resident asked if the language precluded people from transporting their weapons, and Commissioner Webb said this would probably only pertain to weapons within a person's immediate reach, and not, for example, in the trunk of a car. The resident asked, relative to flammable liquids, if transporting lamp oil from the store would be illegal. City Attorney Hall said it may not be advisable to carry flammable liquids when the environmental situation could cause it to ignite. Commissioner Webb said the ordinance should be looked at as discretionary. He said the language municipalities had been adopting had been drafted in view of the riots and

other civil disturbances that occurred after the most recent hurricane disasters. Commissioner Tom Aposporos said he re-read the ordinance from the point of view of protecting individual liberties afforded by the constitution. He said he believed the idea of the ordinance is to protect the public in times of emergency, when standards are likely to be different.

**OCCUPATION LICENSE TAX ORDINANCE,
SUSPENDING COLLECTION OF
OCCUPATIONAL LICENSE TAXES – FIRST
READING**

Commissioner Tom Aposporos read the ordinance by title. Commission Chair John Quam said that Ordinance 955-43 needed to be amended, as discussed at a Commission workshop, as a result of that fact that the Commission did not sign the ordinance within the time limit required by the State. He said the Florida League of Cities was going to approach the legislature to authorize additional amendments to municipalities' occupational license tax ordinances.

Public Comment

A resident asked if anyone had listened to the tapes of the minutes from 1995. City Clerk Alice Baird said the fact was that the report by the Equity Study Commission was not turned in by the deadline, as was the ordinance. She said therefore, the license tax increases were invalid.

**DISCUSS PLACING CITY NAME CHANGE
“VILLAGE OF ANNA MARIA” ON
NOVEMBER BALLOT.**

Commissioner Chuck Webb asked how much it would cost to change the city's name and if anyone had looked into it. Chair John Quam said he would like to know also, and that he believed it could be very expensive. He asked the Mayor if she had any information. Mayor SueLynn said that she had not yet sat down with her staff to evaluate the related costs. Commissioner Duke Miller confirmed that all stationery and official documents, including the Charter, show “The City of Anna Maria”. Commissioner Tom Aposporos said two citizens he

had heard from did not support the change, while one other did. He said that there would be a significant expense on the part of the City to effect the change, while citizens would not feel a large impact. The Commissioner noted that the impetus for the change is coming from the business community and said he found the marketing aspect interesting. He suggested the name could still be changed informally without a legal transformation. Commissioner Aposporos said it remained to be clarified why the suggestion was made, and if there were any other approaches to implementing it.

Commissioner Duke Miller suggested that members of the business community make a presentation on the subject to the Commission.

MOTION: Commissioner Duke Miller moved to disregard the proposal until an organized body could make a presentation to the Commission.

Commissioner Tom Aposporos suggested amended language for the motion.

AMENDED MOTION: Commissioner Duke Miller moved the Commission consider the proposal if an organized body comes before it to specifically request the change and give reasons why it should be implemented. The motion was seconded by Commissioner Chuck Webb.

Vote: All Ayes. Motion carried.

Public Comment

A resident suggested asking the body to quantify the costs. Commissioner Aposporos said he would be happy to ask the question if someone came before the Commission.

A resident said she had researched the percentage of the ad valorem tax that the City earns from business taxes. She said if a referendum were held, the majority of the ad valorem tax paying public would not be affected.

A resident said that the Island is named the same as the City, and this is why the qualifier "City" needs

to be used. He said he thought the word 'village' was appropriate, and that the community needed to define itself.

A resident said the Merchants' Association member who made the suggestion told her that he said "Anna Maria Village" so that the 'A' would come first on lists. The resident said her opinion was 'if it ain't broke don't fix it'. She said she thought in order to have a referendum she a petition needed to be taken.

LINE OF CREDIT DISCUSSION

Mayor SueLynn said she had spoken, as requested by the Commission, with three different financial institutions regarding the line of credit. She said the proposals were distributed with this evening's agenda. The Mayor said their rates and terms were essentially the same. Mayor SueLynn said City Attorney Hall and she had discussed the issue and what would happen if the City defaulted. The Mayor asked the Commissioners if they wanted to moved forward with a line of credit for approximately \$2 million dollars, for emergency relief if necessary, or for the City to purchase land.

Commissioner Tom Aposporos said he would like the Mayor to continue to consider the line of credit, and suggested that in addition, a policy for accessing the credit line be developed. Commissioner Duke Miller asked why the line of credit needed to be opened at this point in time. Mayor SueLynn said it would be primarily for emergencies. Commissioner Tom Aposporos said he thought it would be appropriate to establish the relationship now, rather than when the City is pressed.

The Mayor confirmed that she would return to the Commission with a policy and procedure for accessing the line of credit.

(continued)

**DISCUSS NEW ORDINANCE TO AMEND
SEC. 46:40 PREPARATION AND
PLACEMENT OF RESIDENTIAL
CONTAINERS AND GARDEN TRASH FOR
COLLECTION**

Commission Chair John Quam said the language needed to be more specific than 'sunset' , and suggested "no earlier than 5:00 p.m., and removed from curbside no later than 7:00 p.m.". **There was consensus to adopt this language.** Commissioner Duke Miller said the trash container issue is a large one, and that since the tax for 600 parcels out of 1500 goes out of the City, he suggested that if someone does not get a tax bill from the City of Anna Maria they should be required to get back door pickup. City Attorney Hall said this may be lawful, however the confiscation of trash cans could be problematic. Mayor SueLynn said she thought the language relative to confiscation had been taken out of the draft policy. The City Attorney noted that the out-of-towners would be paying funds for Waste Management, and their role as a third party required more legal consideration. She said if the back door pickup funds were to be paid to the City it might be supportable. City Attorney Hall said she would check with City Attorney Dye.

Commissioner Chuck Webb said, regarding the section relative to fines, that the Code Enforcement Board was responsible for that determination.

MOTION: Commissioner Chuck Webb moved that the Commission direct the City Attorney prepare an ordinance according to the July 17, 2003 memo from the Code Enforcement Board, with a change in Paragraph b. of Section 46-40 to say that trash cans should be put out 'no earlier than 5:00 p.m. of the day prior to scheduled collection, and shall be removed from curbside no later than 7:00 p.m. of the day of collection'. The motion was seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

Public Comment

A resident asked if 7:00 p.m. could be moved back to 8:00 p.m. to give relief to working people. Commission Chair Quam said this could be discussed at the second reading.

Mayor SueLynn said the policy would be changed to eliminate the confiscation of containers. She confirmed with Commissioner Webb that the Code Enforcement Board is authorized to set fines and that the language relative to fine should be removed from the ordinance.

LINE ITEM TRANSFER PROPOSAL

Mayor SueLynn said, relative to the BDI drainage improvement project for a sample 1ft. deep swale, that BDI had suggested that the \$15,000 from the North Shore drainage project be used to build it.

MOTION: Commissioner Chuck Webb moved to approve the Line Item transfer in the amount of \$15,000 from Account #51651 - North Shore Drainage Improvements to a new Line Item for the construction of a swale *from N Shore to Crescent along Pine. Commissioner Duke Miller seconded.

Vote: All Ayes. Motion carried.

Public Comment

A resident asked if the swale should be behind a block instead of behind a specific address. ***Motion amended by Commissioner Webb.**

MOTION: Commissioner Chuck Webb moved to delay the North Shore project until resolved by BDI, and to start the sample swale project. Commissioner Duke Miller seconded.

Vote: All Ayes. Motion carried.

PUBLIC COMMENT

A resident said that he notified the Commission twice since June that the policy of allowing anonymous complaints was unconstitutional on all levels of government. He asked if the Commission had considered his research. City Attorney Hall said the City's policy is in compliance. She

explained that the City makes the citation, not the complainant. Commissioner Webb said the City is not subject to the APA. He said he agreed, however, that a complainant should be required to put it in writing and sign it. Mayor SueLynn said that this had been discussed by the last Commission and it was reconfirmed that anonymous complaints would be allowed. The resident said that unless the city had a way of tracking complaints, there would be no way to determine who was harassing someone, or who was filing frivolous complaints. Chair Quam confirmed that the Mayor would discuss the subject with staff and report to the Commission.

Respectfully submitted,

Alice Baird
City Clerk

Date Approved: 8/28/03

Another resident said that when he was on the Code Enforcement Board, they had required complaints to be signed. He said this changed approximately two years ago. He said he attributed the increase in divisiveness and animosity between residents to the change in policy. He noted that many of the people he had spoken with saw this as a problem. He asked the Commission to reconsider the policy with input from the public.

Another resident said relative to loans, that the City received its income from taxes, and asked why the City should borrow or spend future tax income for loans.

PRESS COMMENT

None offered.

ADJOURNMENT

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

Vote: All Ayes. Motion carried.

The meeting adjourned at 8:28 p.m.