

**CITY OF ANNA MARIA
CITY COMMISSION
SEPTEMBER 25, 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 (7:20 p.m.), Commissioner Linda Cramer, Mayor SueLynn, Commissioner Duke Miller

Also present: Capital Improvements Committee Chair Larry Albert, City Attorney Jim Dye, Sheriff's Deputy Sgt. Mike Mayer, Public Works Director George McKay, Deputy City Clerk Diane Percycoe, City Clerk Alice Baird, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander, Herald

CONSENT AGENDA

Chair John Quam noted that in the Budget Hearing minutes of September 4, 2004, on Page 6, where it reads 'with current rollback rate being 1.965', it should read '1.5695', Commissioner Linda Cramer noted on the Tentative Budget Hearing minutes, relative to reducing revenue by \$6,600, that a new line item had been created.

MOTION: Commissioner Linda Cramer moved to approve consent agenda as amended, seconded by Commissioner Duke Miller.

Vote: All Ayes

MAYOR'S UPDATE

Mayor SueLynn said that Sgt. Kenney had recent surgery was doing well and would be recuperating for at least three weeks.

The Mayor said she had met with State Representative Bill Galvano regarding the occupational license legislation, and had also met with Senator Bennett. She said she would attend the priority setting legislative meetings with the Florida League of Cities in November and would be networking with Port St. Lucie and Tampa officials with similar occupational license concerns.

Mayor SueLynn said that she had been attending the Citizens Academy sessions put on by all the law enforcement agencies in the local area. She recommended that anyone interested attend the 6:30 to 9:30 sessions to learn about all aspects of law enforcement, and indicated that sessions were available through the middle of November.

The Mayor said that a site plan is being worked on by Joel Freedman for BDI. She indicated that the City would receive it in the near future.

Mayor SueLynn said the County would be donating a 1995 chipper and a 1988 dump truck to the City, in response to her request made in June.

The Mayor indicated, relative to the new Building Official position, that one candidate had been interviewed and another two would be interviewed the day following this current meeting. She said that she expected that her office would have a recommendation for a candidate by early the week following this current meeting.

Chair John Quam added the following Agenda Item as:

9. REVISED CONSENT ORDER WITH DEP REGARDING THE PROPOSED SETTLEMENT OF UNAUTHORIZED MANGROVE ALTERATIONS

4. APPROVAL OF O3 / 04 MANATEE COUNTY SHERIFF'S CONTRACT

Chair Quam noted that the Commission had approved the monies for the service agreement, and now would need to approve the contract. Commissioner Tom Aposporos had a typographical comment. Commissioner Duke Miller asked if Sheriff's Officers provided aid to other cities in the County. Sgt. Mike Mayer said these services were only provided under a special mutual aid agreement with all the incorporated cities inside Manatee County, with no billing, and not under day-to-day operations.

Commissioner Tom Aposporos noted Article III – Payments, Page 3, and confirmed with Sgt. Mayor that if a Deputy is required to serve more than 43 hours per week, the City would be billed for overtime.

MOTION: Commissioner Duke Miller moved to authorize the Mayor to execute the service agreement between the City of Anna Maria, the Manatee County Government and the Manatee County Sheriff's Department for fiscal year 2003 – 2004, seconded by Commissioner Chuck Webb.

AMENDED MOTION: Commissioner Duke Miller moved to table the contract until the City Attorney has reviewed it, seconded by Commissioner Tom Aposporos.

Amended motion withdrawn.

AMENDED MOTION: Commissioner Duke Miller moved to authorize the Mayor to execute the service agreement between the City of Anna Maria, the Manatee County Government and the Manatee County Sheriff's Department for fiscal year 2003 – 2004, upon review and approval by the City Attorney, seconded by Commissioner Chuck Webb.

MOTION: Commissioner Duke Miller moved to authorize the Mayor to execute the Service Agreement Between the City of Anna Maria, the Manatee County Sheriff's Department for fiscal year 2003 – 2004 upon review and approval by the City Attorney, seconded by Commissioner Chuck Webb.

Vote: All Ayes. Motion carried.

Public Comment

A resident asked if the payment required within twenty days would be the amount for the full year. Sgt. Mayer indicated that there would be twelve equal payments, with the first coming twenty days after execution of the agreement.

Commissioner Miller asked if the City Attorney had reviewed the contract. Commissioner Aposporos noted that motions to table are not debatable.

Commission Chair John Quam noted that the contract is due on October 1.

5. LINE OF CREDIT APPLICATION FEE

Mayor SueLynn said her office had received correspondence, relative to application for a line of credit, indicating that there would be a \$2,000 application fee.

Chair John Quam said he thought the application would be incomplete until the schedule for borrowing and terms had been discussed by the Commission. Commissioners Tom Aposporos and Duke Miller commented. Commissioner Aposporos said he did not think it made sense to apply for a line of credit without a Capital Improvement Plan, as well as a schedule for borrowing and the terms requested. Commissioner Miller objected to paying \$3,000 for a loan that may not be used. Commissioner Aposporos noted that the application fee is refundable in the event that the application is not approved. **Chair Quam asked for and received consensus from the Commissioners for this item to be discussed at the October 10th Commission Work Session.**

Capital Improvements Advisory Committee Chairperson Larry Albert asked how much money was being considered for the line of credit, noting that the Committee had only recommended \$232,000 based on the current budget, and that there were other long range but necessary projects, such as bridge maintenance, which needed to be funded.

6. BUILDING OFFICIAL JOB DESCRIPTION

Chair John Quam said the Mayor had revised the official job description and was submitting it to the Commission for approval. Mayor SueLynn referred to her September 15th correspondence indicating the changes, and noted that there had been subsequent changes, which she then reviewed with the Commissioners.

Commissioner Linda Cramer said, relative to the job summary, that it had been her understanding that the Building Official would be specifically responsible for Code Enforcement. She said the language made it unclear as to whether it meant that the person would be responsible for performing the functions themselves or for supervision of them only.

(continued)

MOTION: Commissioner Linda Cramer to approve the Building Official Job Description as revised per the Mayor's memo dated September 15th, 2003, seconded by Commissioner Chuck Webb.

Vote: All Ayes. Motion carried.

Commissioner Miller asked that interviewers be reminded that personal questions are not permitted by law, and Mayor SueLynn said she had already made a clear statement to this effect to those involved in interviewing.

7. APPROVE \$5,000 FOR E. BARBER ENGINEERING SERVICES ASSOCIATED WITH TESTING QUALITY OF INLAND WATERS

MOTION: Commissioner Linda Cramer moved to approve taking \$5,000 from reserves to fund Ed Barber & Assoc. Engineering Services Associated with Testing Quality of Inland Waters be taken from reserves, seconded by Commissioner Chuck Webb.

There was discussion among the Commissioners as to whether to fund the money from reserves in the 2003 – 2003 budget or from the 2003 – 2004 reserves for Professional Services. City Clerk Alice Baird said that as the current fiscal year is almost over, the work could not be accomplished, and therefore the Commission would need to process a budget amendment for fiscal year 2003 – 2004.

MOTION: Commissioner Tom Aposporos recommended tabling the Item, until such time as the Mayor and her staff determined how to effectuate the expenditure of funds for Testing the Quality of Inland Waters, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

8. TWO APPOINTMENTS TO PLANNING & ZONING BOARD (TERMS TO 7/05 & 7/06

Mayor SueLynn said her office had received applications from four people. She said she had re-appointed Jim Conoly (term to 2005) to the Planning & Zoning Board, with her other appointment being Commissioner Chuck Webb (term to 2006) to become effective after his elected term expires in November.

MOTION: Commissioner Duke Miller moved to accept the Mayor's appointments to the Planning & Zoning Board, seconded by Commissioner Tom Aposporos.

Vote: All Ayes. Motion carried.

(continued)

9. REVISED CONSENT ORDER WITH DEP REGARDING THE PROPOSED SETTLEMENT OF UNAUTHORIZED MANGROVE ALTERATIONS

Chair John Quam noted that Commissioner Webb had requested a language change on Page Two, number Four, and that City Attorney Dye had now confirmed that the DEP had accepted that change.

City Attorney Dye indicated that the City had received a consent order executed by the DEP, and said that if the Commission accepted the revised consent order tonight, it could direct by motion the Mayor to sign and finalize it

MOTION: Commissioner Chuck Webb moved that the Commission authorize the Mayor to sign the revised Department of Environmental Protection Consent Order, OGC File No. 03-0652, seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

Commissioner Duke Miller confirmed with the Mayor that the City was pursuing the approach in the future, of hiring licensed workers only to perform such work. Commissioner Linda Cramer confirmed with the Mayor that her office maintained liability insurance information on each contractor.

10. PARKING

Commission Chair John Quam instructed those present to confine their discussion and comment to the Parking Plan itself.

Commissioner Linda Cramer said she appreciated Commissioner Duke Miller's memo to the Commission. She said she had questions regarding Palmetto Avenue. The Commissioner recalled that BDI had said alleyways would be treated like intersections. She said she had concerns that this was not accurate. Commissioner Cramer said that at the beach access point there were adequate spaces and a turnaround allowed, but said there is half of a parking space in the alleyway on the left hand side of the street. She said there were two buildable lots on the right hand side, and allowance made for only one driveway. The Commissioner said that at the Mullen's residence, one driveway is not counted. She noted another instance of a driveway not being counted. The Commissioner reiterated her opinion that the plan was not accurate, and said she had expressed this to Devon Miller of BDI at the last meeting on this subject.

Commissioner Duke Miller said he had received some calls about the map, and noted there were two spaces placed in a dune zone on his street. He said he thought it would benefit everyone to concentrate at this meeting on what the overall parking policy will be, and also to set up some sort of committee to deal with the issues on each individual street.

Chair John Quam confirmed that the discussion should center around policy.

Commissioner Cramer said she was originally on the side of permit parking for residents, and said once the engineering information was in front of the Commission, that she did not think the solution needed to be complicated. The Commissioner said that markings were not needed, and would be removing City residents' right to park on any right-of-way. Commissioner Cramer suggested a few beach access spaces could be set aside by simply using two signs. She agreed with Commissioner Miller that public parking was adequately being served by the City and the County elsewhere and recommended a small number of restricted spaces for public parking at each beach access street in the zone.

Commissioner Miller said he thought that Commissioner Cramer's approach would be confusing, since visitors would try to imitate residents' parking on the right-of-way.

Commissioner Chuck Webb said parking spaces could be designated by signs or markings on the road, but signs would be more unsightly. He recommended working with Baskerville-Donovan and their assessments of parking spaces. He said he thought the only reason to have permits would be if a truly egregious problem arose with non-residents parking in the City. The Commissioner said that permits would be more of a headache, not a revenue source. Commissioner Webb pointed out that under the proposed BDI plan, special exception permits could be issued to citizens who contact the City to advise of a special private event requiring additional parking.

Chair John Quam noted that a good feature of the plan is that it allows ten feet on either side of the driveways.

Commissioner Webb said the plan effectively addressed the problem and evenly spread the parking burden in the City.

Commissioner Linda Cramer asked if the Commissioners thought the tape would be used to mark out 171 parking spots in the City. Commissioner Webb said the markings were necessary for effective legal enforcement of the parking policy.

Commission Chair Quam said he agreed with Commissioner Webb and thought this plan should be tried before having to move to the permitting process.

Commissioner Tom Aposporos said that when this discussion was held a couple of weeks prior to this current meeting, he had expressed concern about reducing the number of parking spaces from the engineers' originally designated viable spaces. He said he was also concerned that the City was considering acquiring land for public parking while the engineers were indicating that a number of viable spaces should not be used. He said in the long run, it could be a mistake to opt for the smaller number of spaces. Commissioner Aposporos said he agreed with the idea of making the policy as simple as possible, and reiterated his recommendation at the previous discussion regarding establishing certain

allowable parking hours for non-residents. He said residents should be allowed to park in front of or nearby their homes with no restriction. The Commissioner said he said he felt closer to Commissioner Webb's and Chair Quam's opinions except for his concern about the drastic reduction of parking spaces.

Chair John Quam noted the number of spaces may increase once a system to address the residents' requests street by street is found.

Commissioner Miller said no spaces are really being taken away from the existing situation. He referred to his memo. The Commissioner noted there were problems with the nuisance factor and there was also a design issue. He said BDI stated that few streets were suitable for on street parking for individuals other than residents of the adjacent properties. Commissioner Miller went on to repeat BDI's recommendation that the City investigate public parking lots. He said regardless of the parking plan, the associated infrastructure problems would remain. He recalled that legally there must be a rational relationship between legislation and the reason for it. The Commissioner recommended restricting parking in the zone to residents-only with a permit, and working with the business community in directing traffic toward centralized public parking. He said the current parking plan could be used on beach access streets that are experiencing undue burden. Commissioner Miller recommended bike racks be placed at the end of beach access streets. He said this approach would alleviate the nuisance and infrastructure problems, and would also take care of the adjacent residents.

Commissioner Miller said that the residents of the City were already paying \$250,000 per year for non-resident parking at Bayfront, if the land were viewed for its potential development revenue. He noted the County owns the Bradenton and Holmes Beach park parking lots, while Anna Maria residents are paying for parking. The Commissioner said he found the idea of City purchasing more land for parking disturbing. Commissioner Miller added that his approach required no space markings.

Commissioner Chair Quam said he would agree with Commissioner Miller's recommendation only as a last step, and recommended going with Commissioner Webb's recommendation.

Commissioner Linda Cramer said she agreed with Commissioner Miller regarding permits and said she did not want to go through the process of marking out 171 spaces. She said each street had individual circumstances, and maintained that a compromise should be sought to simplify the process, with three spaces at the end of each beach access street in the zone, followed up with a permitting process. The Commissioner said she thought the City staff could handle issuing hang tags.

Commissioner Miller said working with the business community to develop the village atmosphere would help funnel people to the commercial corridor. He said

this would take a concerted planned effort.

Commissioner Cramer said that each street is different, and contains individual residents, who should be consulted. She said she was aware that the people on Palmetto Avenue agreed with her recommendation.

MOTION: Commissioner Duke Miller moved that the City remove all current signage except those for safety purposes, and restrict parking in the zone to residents only, seconded by Commissioner Linda Cramer.

AMENDED MOTION: Commissioner Duke Miller moved to direct the City Attorney to prepare an ordinance that removes all current parking signage in the City, except those for safety purposes, and restricts parking in the zone, by permit, to Anna Maria property owners, their tenants and guests only, seconded by Commissioner Linda Cramer.

Vote: Three Nays. Two Ayes. Motion failed.

MOTION: Commissioner Chuck Webb moved to direct the City Attorney to prepare an ordinance that would establish handicapped parking at beach accesses, remove current parking signs, would establish marked parking spaces in the road in the beach zone, would establish signs at the beginning of each street indicating parking in designated spaces in the beach zone, and at the beginning of the City, with no restriction on who would park in the zone, and to adopt the maps made by Baskerville-Donovan indicating where the spaces will be located. The motion was seconded by Commissioner Tom Aposporos.

AMENDED MOTION: Commissioner Chuck Webb moved to direct the City Attorney to prepare an ordinance that would establish handicapped parking at beach accesses, remove current parking signs, would establish marked parking spaces in the road in the beach zone, would establish signs at the beginning of each street indicating parking in designated spaces in the beach zone, and at the beginning of the City, with no restriction on who would park in the zone, and to adopt the maps made by Baskerville-Donovan indicating where the spaces will be located, and to designate North Shore and North Bay across from Bayfront Park (Hibiscus to Crescent) as no parking zones. The motion was seconded by Commissioner Tom Aposporos.

AMENDED AMENDED MOTION: Commissioner Chuck Webb moved to direct the City Attorney to prepare an ordinance that would establish handicapped parking at beach accesses, remove current parking signs, would establish marked parking spaces in the road in the beach zone, would establish signs at the beginning of each street indicating parking in designated spaces in the beach zone, and at the beginning of the City, with no restriction on who would park in the zone, and to adopt the maps made by Baskerville-Donovan indicating where the spaces will be located, and to

designate North Shore and North Bay across from Bayfront Park (Hibiscus to Crescent) as no parking zones, and to provide for the ability of residents in the zone to apply for special use permits to use the right-of-way for parking. The motion was seconded by Commissioner Tom Aposporos. Vote: Three Ayes. Two Nays. Motion carried.

Commissioner Linda Cramer asked why right-of-way use should be restricted to residents in the beach zone, when in the interior, residents have unrestricted parking on the right-of-way. Commissioner Tom Aposporos said that he failed to understand what Commissioner Cramer was aiming for in terms of a Parking Plan.

Commissioner Duke Miller said it was more important to do something for the citizens in the zone. He said he thought that, overall, the plan was not evenhanded and fair.

Discussion continued at length.

Commissioner John Quam said he thought the plan was fair and even-handed and said he did not feel that initially non-residents should be excluded from parking throughout the City.

Public Comment

A resident recommended that residents use their hurricane re-entry tags for parking purposes.

Another resident said that if parking for residents is restricted in the zone, it should be restricted equally throughout the City.

A resident said she felt that the City was close to right back where it was two years ago, less a considerable amount of time and money. She said the City had an elitist attitude, and that safe parking should be provided for everyone.

A resident asked the City to buy land for a public parking lot, saying that the property could eventually be sold for a profit.

A resident said the business area of Pine Avenue should be an integral part of the community. He said residential areas should be residential. He said some way to control parking needed to be found in order to preserve the character of the city.

A resident congratulated Commissioners Cramer and Miller for doing something for the residents.

A resident asked that parking for the disabled be included in the motion. City Attorney Jim Dye said that he had made a note and would include the language in the ordinance when he brings the draft back to the Commission.

A resident objected to non-residents fouling the beach, and noted that this behavior was not typical of residents.

A resident said he favored Commissioner Miller's proposal. He said if no relief is found in the zone, it would eventually become populated by absentee owners and renters only.

A resident said she had been hoping that the plan would make an initial attempt to resolve parking problems before going into permit parking. She recommended ensuring that several handicapped parking spots be provided on beach access streets.

A resident implored the Commission to make a policy decision this evening.

Commissioner Cramer said that if a hang tag system was used any resident in the city would then be allowed to park in the right-of-way.

Commissioner Miller recommended that his approach be used for the trial, and reminded those present that Phil Oropesa, the parking expert from St. Petersburg had explained that the problem would not go away, but would only get worse.

A resident said that she was ecstatic about Commissioner Miller's hangtag proposal, and asked about enforcement. Another resident said she was in favor of Commissioner Miller's proposal.

A resident stressed that most people in Anna Maria had nothing against visitors.

A resident said that he did not think the motion on the floor would solve the garbage problem he and his wife experience due to visitors parking on Park Avenue.

A resident on Park Avenue said that caravans of several vehicles from Polk County come and park on their street weekly and are largely responsible for the nuisance behavior.

A resident observed that on Jacaranda and 800 block Gladiolus the majority of nuisance parkers came from out of town.

A resident recalled that in the Spring he had submitted several photos to the Commission of license plates on cars on his street. He estimated that two-thirds of the parking is taken up by non-residents.

Commissioner Miller said the County provides 200 spaces per mile of island that are serviced by the trolley, and asked why the City should create 171 more spaces for visitors.

Commissioner Webb said the next step would be to identify the number of spaces, according to residents, that are available on each street.

A resident expressed concern that the City may be adopting a plan that is not correct and accurate.

A resident asked for resident parking permits.

A resident reminded those present that the reason the City of Anna Maria was incorporated was so that the residents could decide for themselves how they wanted their community run. He questioned the necessity of providing more parking for non-residents, especially if this would be done at the expense of the ability of residents to park. He reminded those present that parking in the city is finite.

A resident expressed the opinion that the City still had not arrived at the answer to the problem. He recommended coming back to take another look and talking about it again.

Mayor SueLynn drew attention to Commission members that November would bring another election, and work in progress might end up being passed to new Commissioners.

MEETING DATE FOR FIRST READING OF THE ORDINANCE

City Attorney Jim Dye said the November regular meeting would be the target, and recommended a Commission workshop in the first week in November for the first reading of the ordinance. He said his thinking was that designated parking and no parking should be reduced to text, rather than just being shown on a map. Commission Chair Quam confirmed that this document would need to be included as part of the ordinance.

Commissioner Duke Miller confirmed with City Attorney Dye that any changes in the parking spaces would need to be done with an amended ordinance.

Commission Chair John Quam confirmed that BDI should be informed that the parking spaces on the map are not correct. Mayor SueLynn suggested that they be asked to look at all the spaces on the streets to make sure they are viable spaces. Commissioner Miller objected to the City's being charged once again for this work, and Commissioner Cramer said that it would be a huge waste of money.

PRESS COMMENT

None offered.

(continued)

ADJOURNMENT

MOTION: Commissioner Chuck Webb moved to adjourn the meeting, seconded by Commissioner Tom Aposporos.

Vote: All Ayes. Motion carried.

The meeting adjourned at 11:28 p.m.

Respectfully submitted,

Alice Baird
City Clerk

10/23/03
Date