

**CITY OF ANNA MARIA
SPECIAL COMMISSION MEETING
JANUARY 8, 2004
6:30 P.M.**

CALL TO ORDER (6:31)

PLEDGE TO THE FLAG

ROLL CALL: Commissioner John Quam, Commissioner Dale Woodland, Deputy Commission Chair Linda Cramer, Commissioner Carol Ann Magill, Commissioner Duke Miller

Also present: Code Enforcement Officer Gerry Rathvon, City Attorney Jim Dye, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander, Herald

RELIEF OF RIGHT-OF-WAY DETERMINATION HEARINGS

Commission Chair John Quam noted that two property owners had asked for and exception relative to the ordinance against encumbrances in right-of-way.

1. 106 MAPLE

Code Enforcement Officer Gerry Rathvon noted that the property owner, Ms. Cox, had filled out an application for relief asking the City to allow her white bricks to remain in the right-of-way as they define the garden bed from the driveway. She said they had been driven on in the past with no problems.

Deputy Commission Chair Linda Cramer asked if the bricks, which she confirmed were four to five feet inside the right-of-way, could be sunk into the ground. Ms. Cox confirmed that they were for the most part already sunken into the ground as a result of repeatedly being driven over. She said she could make sure they are all flush to satisfy the Commission.

Chair John Quam said that he would like to see the bricks sunken or removed from the right-of-way, as he saw the present situation as a safety hazard.

Commissioner Dale Woodland noted that Section 114-421 (a) in the City Code stipulates that the planting of grass or other ground cover should not impede parking in the right-of-way, and also referred to paragraph (c) where it provides for the City to remove encumbrances in the right-of-way "if the plantings or other obstructions are a hazard or have the potential to be a hazard to the public use of the right-of-way". The Commissioner said that he did not see any hazard if the bricks were flush. He said that he had not personally seen anything in front of the property that was a hazard and therefore would support the owner's request to leave the bricks as they are.

Commissioner Carol Ann Magill said that she would like to see the bricks made flush to prevent any possibility of someone tripping over them.

Ms. Barbara Kinger Cox said that she would make the bricks flush, as requested by the Commission.

Commissioner Duke Miller said that he did not see a problem with the border.

MOTION: Deputy Commission Chair Linda Cramer moved to deny the request to leave the bricks as they are, with the stipulation that the border shall be allowed to remain as long as it is buried flush to the ground-level rock area, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried unanimously.

2. 520 BAYVIEW

Code Enforcement Officer Gerry Rathvon said that the property owner, Gerald Slavin was not present at this evening's meeting, and had filled out a request for relief requesting to keep the hedges in the right-of-way. She noted that procedure now indicated that she should take the case before the Code Enforcement Board.

City Attorney Jim Dye confirmed that the failure of the property owner to appear, or to notify the Commission of his inability to do so, did result in an automatic denial of the request by the Commission, and thus render the encumbrance a Code Enforcement violation, which would now need to be presented to the Code Enforcement Board for their recommendation to the Commission.

PUBLIC COMMENT

None offered.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Duke Miller moved to adjourn the meeting, seconded by Deputy Commission Chair Linda Cramer.

Vote: All Ayes. Motion carried.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Alice Baird
City Clerk

1/22/04
Date