

**CITY OF ANNA MARIA
CITY COMMISSION
FEBRUARY 26, 2004
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

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

Absent with excuse: Mayor SueLynn

Also present: City Attorney Jim Dye, Sheriff's Deputy Sgt. John Kenney, Public Works Director George McKay, City Clerk Alice Baird

Press: Sun, Islander

CONSENT AGENDA

1. APPROVAL OF MEETING MINUTES: City Commission Special Meeting 1/08/04; Regular Meeting 1/22/04; Special Meeting 1/14/04

Commission Chair Linda Cramer indicated that she would like to remove #2., Mitch Davis Proclamation, from the Consent Agenda.

Commissioner Carol Ann Magill asked for the January 22, 2004 minutes to be removed from the Consent Agenda for discussion.

Deputy Mayor Quam indicated that the January 8th, 2004 minutes did not require Commission approval, and therefore should be removed from the list.

MOTION: Commissioner Duke Miller moved to approve the Consent Agenda, with the above requested items removed, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

Relative to Consent Agenda Item #1., Commissioner Carol Ann Magill said she had a question, relative to the third paragraph on Page 5 of the January 22, 2004 minutes, as to whether there were two or three existing residences in the ROR on Pine Ave. After discussion, it was determined that the Minutes of 1/22/2004 were correct, in that Mike McCaleb stated the number as three, and also that a house and a duplex are in that ROR zone.

Commission Chair Linda Cramer said she had an amendment to #2., Mitch Davis Proclamation, to read "81", not "31" years.

MOTION: Commissioner Duke Miller moved to approve Consent Agenda Items #1. And 2., seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

REPORTS & UPDATES

Commission Chair Linda Cramer extended an invitation to the Commissioners and the Mayor to attend at ribbon cutting ceremony at Belle Haven Cottage, Monday, March 8th, at 10:00 a.m. She announced that the tree planting dedication for George Norton would also take place that day.

MAYOR'S REPORT

Deputy Mayor John Quam indicated that Mayor SueLynn had left two items with him:

- There is an opening on the Capital Improvements Advisory Committee, and Mayor SueLynn asked that any interested citizens contact her at City Hall.
- The City of Anna Maria would be receiving approximately \$98,245 per year for ten years from the proposed sales tax. She reported that 25% of the amount would come from visitors to the area, and that the money could be used for the stormwater runoff project, maintenance of Gulf Front Park, and ADA improvements.

SMALL DRAINAGE IMPROVEMENT PROJECT – NORTH SHORE TO NORTH BAY DITCH REALIGNMENT

Deputy Mayor John Quam referred the Commissioners to Document #2 in their packets, and indicated that they had not yet approved the four drainage improvement projects a few weeks earlier. He asked for a motion to approve the project indicated on the document.

MOTION: Commissioner Duke Miller moved to add project #5., the North Shore to North Bay Ditch Realignment to the previously approved four drainage projects, as outlined in Document #2, Potential Small Drainage Improvement Maintenance Project – City of Anna Maria, dated January 22, 2004; and that the project cost of approximately \$4,000 be funded from the Capital Improvement Contingency Fund. Commissioner Dale Woodland made the second.

Vote: All Ayes. Motion carried.

Commissioner Carol Ann Magill confirmed that this fund money was from the amount remaining from the budgeted capital improvement priority projects.

Public Comment

A resident asked where the ditch would be located. Commissioner Duke Miller responded that it would be in the 10 ft. alley extending from North Bay Blvd. to North Shore Drive between Alamanda Road and Jacaranda Road.

A resident asked when the problem near her home would be addressed, after thirty years of asking. She noted that the project had been removed from the priority list and requested that it be replaced.

Commissioner Carol Ann Magill asked if there would be any more money left over from the projects now allocated. Deputy Mayor Quam responded that there would be \$17,600 remaining. **She requested discussion at the next Work Session regarding the resident's drainage problem at 'Chilson Lake' and the remaining money in the contingency fund. Commission Chair Cramer said that Public Works Director George McKay could be asked to review the situation and report to the Commission with preliminary estimates.**

Public Works Director George McKay said that he believed the City Engineers (BDI) had done a work sheet on the problem for the CIAC, and confirmed that he would be able to make a presentation to the next Commission Work Session.

SMALL DRAINAGE PROJECTS – APPROVE FUNDING

Deputy Mayor Quam said that the four drainage projects had been approved by the Commission, with no specific approval for funding of the expenditure.

MOTION: Commissioner Duke Miller moved that the Commission approve the expenditure of the amounts listed in the memo of February 23, 2004 on the following four projects: the Hammock Road Swale; the Archer Way Cul-De-Sac; Rose Street Drainage; and the Crescent Drive to North Shore Drive Alley Swale, as reflected in Capital Improvement Project Line Items 551-10-56, 551-11-56, 551-12-56 and 551.13-56, respectively, the total amount being \$22,400, and that these funds be taken from the Capital Improvements Contingency Fund. Motion seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

Commissioner Dale Woodland confirmed with the City Clerk that each Line Item would be tracked separately and that any amendments would be shown.

MANDATORY REAR DOOR TRASH PICK-UP ORDINANCE – NON-RESIDENT PROPERTY OWNERS – 1ST READING AND PUBLIC HEARING

Commission Chair Linda Cramer read the ordinance by title, and indicated that the Commission would need to discuss this subject at a future Work Session, as Deputy Mayor Quam had spoken with Waste Management relative to the possible need to renegotiate the City's contract and a price increase, directly related to the passing of this ordinance.

Commissioner Duke Miller confirmed that Waste Management had informed the City that currently, an average of 100 residences receive rear door pick-up in Anna Maria, and that if the ordinance passes, there would be approximately 800 rear door pick-up customers, thus costing the trash collection company more money provide the service than when initially contracted.

(continued)

Commissioner Dale Woodland said he would like to see that the individual members of the public that would be affected by this ordinance are properly advised before it is passed.

Public Comment

A resident said that she thought the ordinance was excellent, and that most of the properties in question are rental properties. She said that she did not think additional cost would be a hardship for most of the property owners, who were deriving income from their properties.

Commissioner Dale Woodland pointed out that a significant number of individuals affected by this ordinance are week-end and vacation residents who do not rent out their properties, and that it was these individuals he would especially like to see informed of the pending legislation.

A resident observed that on Palm Avenue, residents have been leasing a commercial dumpster for their trash. She said that this results in a garbage truck coming down her street every day. Commissioner Duke Miller confirmed that this subject would be discussed at the Work Session dealing with rear door pick-up.

FPL – POSSIBLE OVERCHARGES

Deputy Mayor John Quam said that the library was to be receiving money back, and that he thought the City should investigate to determine whether it had been overcharged. He said that he had estimated, relative to street lights, that it cost approximately \$5.30 per day per street light. Deputy Mayor Quam said that it appeared that the City and its residents had been receiving good value, and after overall consideration of the subject, had decided that he did not feel it would be worthwhile to the City to pursue the subject. **He proposed removing the subject from the list of topics to be put on future Work Session agendas, and there was consensus to do so.**

P&Z BOARD REQUEST TO EXTEND THE BUILDING MORATORIUM

Commission Chair Linda Cramer said that the Commission had received a note from the P&Z Board that it was requesting that the Building Moratorium be extended to July 1st. Deputy Mayor confirmed with City Attorney Dye that the moratorium would need to be extended by ordinance, which requires two advertised hearings. Commission Chair Cramer confirmed with the City Attorney that a Special Meeting could be scheduled prior to the March 11th Commission meeting.

There was consensus to schedule a Special Meeting for the 1st Reading and Public Hearing on the moratorium on March 11th, 2004 at 6:45 p.m. Commission Chair Linda Cramer confirmed that there would be a second public hearing scheduled for the Commission's March regular meeting.

City Attorney Dye confirmed that he would have the new Site Plan ordinance ready for its first reading on the same date.

Commissioner Woodland confirmed with City Attorney Dye that the Site Plan ordinance and moratorium extension would both be addressed on March 11th. He said that he would not vote to extend the moratorium unless someone could demonstrate that the City is vulnerable in some way, since the Site Plan ordinance was in the process of being passed. City Attorney Dye explained that the P&Z Board has almost finished the process part of the new land development ordinance, and that it had not finished the substantive part, which deals specifically with the City's codes. He said that the Board was asking for more time, because it felt that the process and the substantive parts of the legislation should be passed at the same time.

Commissioner Carol Ann Magill asked what the scenario would be if the moratorium expired and the P&Z Board was not ready, and asked if the Commission could pass another moratorium ordinance at that time. City Attorney Dye indicated that there would be some risk to the City involved, since if the City were to be covered without interruption, the process would need to be started at this evening's meeting in order to allow for the necessary two public hearings.

Commissioner Duke Miller asked if the Charter provided for the Commission to pass an emergency ordinance that would be valid for ninety days. City Attorney Dye clarified that Florida Statute prohibits emergency land use ordinances. Commissioner Miller indicated that he would not be present at the Commission's March 11th meeting, and that he would like to say that if Mr. Canniff is concerned that the City would have a half-baked plan if the P&Z Board was forced to complete their work by April 1st, he was of the personal opinion that the deadline should be extended to July 1st, 2004. He said that the City should not be swayed by the owners of a couple of projects that are currently being affected by the moratorium.

REVIEW OLD / NEW BUSINESS ISSUES

Historical Society Lease Amendment to Include Belle Haven Cottage

Commission Chair Cramer confirmed with City Attorney Dye that she had received and would this evening give him the copy of the legal description of the property. City Attorney Dye indicated that he would still need to meet with an Historical Society representative, or the Public Works Director, since, based on the description, it appeared that the City was leasing the whole piece of property to the Historical Society, which he did not believe was the City's intent.

Anna Maria Heritage Week

Commission Chair Cramer said that she had reviewed the alcohol and beverage ordinance, and noted that the alcohol ordinance grants exception to the Community Center, the Island Players, and the Pier for serving alcohol on the premises. She asked City Attorney Dye whether the City could include an exception for alcohol sales for the Historical Society property to be valid in time for next year's Heritage Week events. City Attorney Dye replied that any special event applicant could request an exception to the alcohol ordinance and designate a specific area in which the alcohol would be served.

Commission Chair Linda Cramer noted that in the past, with special event alcohol sales, the City had required liability insurance, which could cost anywhere between \$600 to \$1,100 for one day's sales. Commission Chair Cramer said that she thought the alcohol ordinance exception for the Historical Society property was worthy of future Commission discussion.

Public Comment

A resident said, relative to the Historical Society Lease, that the City had an ordinance passed several years ago, and also a line item in its budget for the Belle Haven Historical Park. She said that she thought the sign at the Museum should read that the Historical Park is a City of Anna Maria Historical Park, as per its description in the ordinance. Commission Chair Cramer requested a copy of the ordinance from the City Clerk.

Home Business Permit Fees

Commission Chair Cramer confirmed that Building Official Kevin Donohue had indicated to her that he had not yet been instructed by the Mayor to address this issue. Deputy Mayor Quam said that he would take it off the March 11th agenda if Mr. Donohue would not be ready at that time. Commission Chair Cramer confirmed with Mr. Quam that this topic would remain a priority item.

There was consensus to remove #C – Sprinkler Ordinance, and #F – Special Events Permit Ordinance Review, from the Old Business list. There was further consensus to put #M – Waste Management Automated Service, on an April Work Session agenda.

Public Works Director George McKay said that a stop sign is needed in the southerly direction on North Shore at North Bay. City Attorney Dye indicated that an ordinance would be required for this.

Deputy Commission Chair Quam referred to #3 on the New Business list, Campaign Signs, and noted that there had been a Code Enforcement issue during the last municipal election. He noted that it would cost the City money to amend its ordinance. **There was consensus to remove this topic from the list.**

There was further consensus to remove #4, relative to leaving advertising and soliciting material at residences when no one is home, from the New Business list.

A resident noted that the City is experiencing an increase in the population of wild cats. The Commissioners discussed having a "Have-A-Heart" trap cage for feral cats on hand at City Hall for citizens to borrow. Public Works Director George McKay confirmed that he would check into buying one.

There was consensus to put #19., Compensation Increase for the Mayor, on a future Work Session agenda.

Discussion followed relative to #20., Gulf Front Park Management Plan. Deputy Mayor Quam asked whether or not this would be an administrative issue, and not for Commission discussion unless funds were required. Commission Chair Cramer said that she would support a Commission round table with the EEEEC. EEEEC liaison Commissioner Carol Ann Magill confirmed that she would speak with the Deputy City Clerk regarding funding and the tree grant and come back to the Commission with the information.

Commissioner Carol Ann Magill indicated that she wanted to discuss the City Hall Remodeling Contract as a result of hearing from concerned residents. She said that she would like to go over the Commission approval of the contract that was signed with the architect. She indicated that she thought the contracts should be reviewed by the City Attorney, and that proper procedure should be followed to avoid problems in the future. The Commissioner said that she would be speaking with the Mayor relative to a charge of \$2,500 for engineering costs for the air conditioning system.

Public Works Director George McKay asked the Commission to consider in detail #10. Right-of-Way Use Permit.

PUBLIC COMMENT

Georgia Van Cleef noted that the City had received two forestry matching grants for \$10,000 each. She said that the City had also received an estimate from the Davey Tree Company which would entail the City spending \$3,700 to obtain a \$3,700 match, and asked what the procedure would be to act on this. She clarified with Commissioner Magill that the Commissioner would be speaking with the Deputy City Clerk about this.

MOTION: Commissioner Carol Ann Magill moved to extend the meeting until Public Comment is completed. Commissioner Duke Miller seconded the motion.

Vote: All Ayes. Motion carried.

A resident recalled that Commissioner Miller had recommended Commission Comment at the end of the agenda. She said that this would be more fair to those residents wishing to participate in Public Comment, since often Commission Comment is interjected during Public Comment.

A resident noted that there was a problem covered by local newspapers regarding getting emergency vehicles, such as ambulances to the Island. He said that County and local personnel had told him there was no actual problem. He said, however, that there perhaps was a problem, and asked that a City official to speak with County and other officials, to get a formal estimate of how long it is supposed to take for an ambulance to reach the Island. Deputy Mayor Quam indicated that he would speak with the Mayor to determine whether or not Anna Maria has a problem.

A resident said, relative to City Hall Remodeling, that she had found out that a typical architect's fee was 8% of the total contract, instead of 15%. She said that usually 80% of the fee is paid when the plans are delivered, and that 20% is withheld and paid on a

monthly basis, so that the architect can oversee the construction process. She objected to the lack of anticipation of the need for a double wide trailer during construction, as well as the lack of prior knowledge, on the architect's part, of the need to inspect for asbestos. The resident said that this could become a significant additional cost for the project. She recommended that the project be stopped immediately and schedule it for the next budget.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Duke Miller moved to adjourn the meeting, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

City Clerk

Date