

**CITY OF ANNA MARIA
CITY COMMISSION
APRIL 22, 2004
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

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

Absent with excuse: Deputy Commission Chair Linda Cramer

Also present: Mayor SueLynn, City Attorney Richard Groff, Building Official Kevin Donohue, Sheriff's Deputy Sgt. John Kenney, Public Works Director George McKay, City Clerk Alice Baird, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander, Bradenton Herald

CONSENT AGENDA

1. **APPROVAL OF MEETING MINUTES: City Commission Special Meeting 3/11/04 – 6:45 p.m.**
2. **APPROVAL OF SPECIAL EVENT: Island Run 2004 (Children's Academy)**
3. **PROCLAMATION: Civility Month – May 2004**
4. **PROCLAMATION: Administrative Professionals Week – April 19 – 23, 2004**

B. Building Clerk Job Description

MOTION: Commissioner Duke Miller moved to approve the Consent Agenda, seconded by Commissioner Carol Ann Magill.

Vote: All Ayes. Motion carried.

Chair John Quam indicated that the variance request for the Cedolin residence on 203 Coconut would be continued until the May 27, 2004 Commission meeting.

REPORTS & UPDATES

Commissioner Carol Ann Magill reported that the EEEEC Committee had had their 'no walking on dunes' signs stolen, and that they had submitted a report to the Mayor. She indicated that currently there were two vacant seats on the Committee. The Commissioner said that the tree inventory grant was progressing with the obtaining of various proposals, and also that relative to the Gulf Front Park management plan, Tim Eisler had met with the Mayor and was obtaining estimates. Commissioner Magill said that the Committee also had moved to contribute \$550 to the gumbo limbo trees. She

asked to be excused from this evening's meeting at 8:30 p.m. due to personal reasons and the Chair granted her request.

Commissioner Duke Miller asked Sgt. Kenney, relative to the Sheriff's report, about two intrusions into private property that had occurred recently. He asked where such incidents appeared on the report. Sgt. Kenney said that generally, if it is not a criminal act, the officers did not write a report. Commissioner Miller said he thought these incidents could have been serious. Sgt. Kenney confirmed with the Commissioner that one incident was on Fir, and the other occurred at the Mansoor residence on Bean Point, and the Deputy noted that Mr. Mansoor had not wished a report to be written.

Relative to the Financial Report, Chair Quam asked the Mayor to update the Commissioners on Page 6 of the Financial Statement. Mayor SueLynn said the City was not in jeopardy of going over the bottom line. She said that City staff was aware that there was an overage in the City Engineer column, and distributed copies of where the City stood in this regard to date, showing all work assignments, noting that they had been Commission approved. The Mayor said that the City was approximately \$14,000 over for the City Engineer's services. The Mayor noted that charges were always on an hourly basis. She indicated that Oak Avenue and Tarpon would incur no further charges from BDI. Mayor SueLynn noted that a variety of as-needed services requested by the City were under Miscellaneous Engineering Services. She noted that the Engineers would not be requested to sit at Planning & Zoning meetings except for special request to her office, and that staff were under instructions to obtain her approval prior to contacting consultants.

MAYOR'S REPORT

Mayor SueLynn reported that Deputy City Clerk Diane Percycocoe had earned the designation of Certified Municipal Clerk, and commended her for her work. The Mayor said that there was an opening once again on the Capital Improvements Advisory Committee, and asked anyone interested to contact her. She said that this coming week, she had two appointments with EEEC regarding the Gulf Front Park management plan. Mayor SueLynn announced that the City had received the WSCIND grant for Lake LaVista dredging, but not for purchase of a boat.

Mayor SueLynn said, relative to the reconstruction of City Hall, that the Island Baptist Church was offering four rooms to house City staff during construction, available June 1st, at a cost of \$1,700 per month, for a period of approximately four months. The Mayor said the total of \$6,800 would be a savings of \$8,564 over the use of a doublewide, and also that computer hookup would be less expensive, since the wiring was already there. She said that utilities and janitorial services would be an additional cost. Mayor SueLynn said she would still like to see the Commission hold its meetings at Holmes Beach City Hall, which is designed for large meetings and already set up with a public address system. She said that the church would provide the City with a tentative contract, which she would then forward to City Attorney Jim Dye.

(continued)

The Mayor said that the contractor, Southern Cross, was currently assessing how much of the new scope of work they could do themselves, and what would need to be done by specialized subcontractors, and that they would be submitting estimates. She urged the Commission to continue moving ahead with the project, since all costs were now on the rise, and the Island Baptist Church would not be available in the future.

Mayor SueLynn reported that she had this day attended a Public Works Department meeting, and that the Director, as well as two Department personnel had gone to a meeting at the Island Emergency Operations Center (IEOC) to talk about an upcoming tabletop simulation to run on the 5th and 6th of May from 9:00 – 11:30 a.m.. She asked for the elected officials' emergency assignments to be addressed by Commissioners at this evening's meeting. The Mayor said that the Emergency Operations Center (Manatee County) elected official liaison would need to attend a special meeting in downtown Bradenton.

The Mayor reported that several City employees had attended a two-week FEMA session in Maryland. She said that the first session had been about an incoming hurricane, and the second, attended by the Clerk's office staff and the Building Official, dealt with what they would need to do after the hurricane struck. The Mayor said that she and staff would be meeting once a week, starting with this week's meeting, to share their learning and apply it Anna Maria's plan.

MOTION: Chair John Quam moved to add "Assignments to IEOC" to this evening's meeting agenda as '5.a.', seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

- EOC representative: John Quam
- IEOC Center at Holmes Beach Fire Station: There was consensus for the Mayor to discuss this appointment with Deputy Commission Chair Linda Cramer
- Anna Maria City Hall: Commissioner Duke Miller

Mayor SueLynn said that she would stay at City Hall. She said that on May 6th, Chair John Quam would need to attend the meeting at EOC in Bradenton. She said the IEOC tabletop simulation would be from 9:00 to 11:30 a.m. on May 5th at the Holmes Beach Fire Station, and urged all Commissioners to attend.

MUNICIPAL CLERK'S WEEK PROCLAMATION – May 2 – 8, 2004

Mayor SueLynn read the Proclamation.

ADOPT MANATEE COUNTY FIREWORKS ORDINANCE – 1st Reading of Ordinance No. 04-620

Commissioner Duke Miller read the Ordinance by title.

Commissioner Carol Ann Magill expressed concern about ordinances that use the police force to enforce minor infraction, since effective July 1st, the cost of prosecuting cases in County court was going to become the City's responsibility. Mayor SueLynn noted that

that this legislation had been scheduled for an amendment in the Senate to greatly reduce such costs. Commissioner Carol Ann Magill asked how the police force would enforce this Ordinance. Sheriff's Deputy Sgt. John Kenney noted that violation of this Ordinance would be a civil infraction, and citations would be issued by Deputies. Commissioner Carol Ann Magill objected to the cost of enforcement and noted that on such holidays as July 4th would be unenforceable. Sgt. Kenney said that with the Ordinance in effect, officer discretion would be needed, however, all disturbances before and after July 4th would be enforced on a case-by-case basis.

Public Comment

A resident asked if July 4th could be listed as an exception in the ordinance.

Chair John Quam indicated that the second reading of the Ordinance would be on May 27th, 2004.

AMI HISTORICAL SOCIETY LEASE AGREEMENT AMENDMENT – 1st Reading of Ordinance No. 04-621

Chair John Quam read the ordinance by title.

Commissioner Dale Woodland asked if the language in City Attorney Dye's memo to City Clerk Alice Baird, second page, second paragraph, relative to the extending of the lease had been examined or discussed. Chair Quam noted that City Attorney Jim Dye had also raised other issues, and recommended that this subject be scheduled for a Commission Work Session before the second reading. **There was consensus to put the item on the Commission Work Session agenda for May 13th, 2004.**

Assignments for Bringing Recommendations to the Commission

- date for extending the lease – Commissioner Linda Cramer / Carolyn Norwood
- parking and use of property surrounding the two structures – Commissioner Cramer /

Chair John Quam noted that if consensus among the Commissioners is reached at the Work Session, the second reading would be at the Regular Commission Meeting on May 27th, 2004

TRAFFIC REGULATION DOCUMENTATION – NON-BEACH ACCESS ZONE

Mayor SueLynn said that she would like to move forward with the documentation of signage in the City that is not in the Beach Access Zone, and placing it in an ordinance in order to render signage legal and enforceable. She noted that this would be a tedious but uncomplicated task, which could possibly be accomplished by volunteer community workers. The Mayor suggested dividing the City into zones. She asked that citizens step forward to accept individual assignments. Mayor SueLynn said that she would be writing a memo, and possibly publicizing the need for volunteer for the task in the local press. The Mayor noted that this was the third time she had asked for approval from a City of Anna Maria Commission to accomplish this necessary work.

Chair John Quam agreed with using volunteers, and recommended that the effort be coordinated by a designated staff member. Mayor SueLynn concurred, indicating that a training session would be provided for volunteers by City staff.

Commissioner Dale Woodland said that, for example, Beach Avenue could simply be designated as 'no parking' in the ordinance, rather than listing each sign, and noted that most 'no parking' areas were in fact complete blocks. The Commissioner said that he had once been informed that this would not be acceptable for enforcement purposes. Chair Quam explained that all signs needed to be marked and documented for attachment to the ordinance, according to the City Attorney. He noted that separate documentation was needed for the Beach Access Zone.

City Attorney Richard Groff said that if the City would be conducting a survey to be later included in an ordinance, it should mirror the City as it stood to date, and that this would be important in its relationship to the language of the ordinance itself. He said another type of ordinance could be written to indicate where signs should be, instead of where they currently exist. The City Attorney indicated he was unfamiliar with the ordinance Mr. Dye had been working on, and that it would be prudent for the City to consult with him upon his return.

MOTION: Commissioner Duke Miller moved to authorize the Mayor to proceed with the signage survey based on direction received from the City Attorney as to the requirements for the ordinance, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

Mayor SueLynn noted that the survey, as an attachment to the ordinance, could be easily amended, one or two lines at a time. She strongly suggested that Commissioners drive throughout the City to identify any signs they thought should not be there, as well as any places they thought signs should be. Chair John Quam and Commissioner Duke Miller said that they would volunteer for the survey work.

Commissioner Dale Woodland asked the Mayor to obtain some additional examples of ordinances from City Attorney Dye.

Commissioner Carol Ann Magill asked the Mayor to bring back more information to the Commission relative to what would be required from a volunteer surveyor.

PARKING TICKET FEES (Wheels Off Road, Parking With Flow of Traffic)

Mayor SueLynn requested that the Commission give strong consideration to reducing the fines the City charges for violating the above-noted parking laws. She said that the level of antagonism toward the City was not worth the amount of money that was being brought in. The Mayor said that the offensive letters and verbal abuse received by City staff is prolific. She said that her understanding was that the City of Bradenton charged \$5 for the same infraction that Anna Maria is currently charging \$30 for. She reiterated her plea to reduce the fine to its prior level of \$15.

Chair John Quam pointed out that these two offenses were actually safety issues. He asked how the fees had been put into place, whether by policy or by ordinance. City Attorney Richard Groff confirmed that the fines would need to be changed by ordinance. Chair Quam recommended discussing the topic at an upcoming Work Session.

Commissioner Carol Ann Magill noted that she had also heard negative feedback from the community back when the previous Commission increased the fines. The Commissioner stated, however, that she would not want to change the fine for parking against the flow of traffic.

Commissioner Duke Miller said that emergency vehicles can only get through some roads in the city when private vehicles are parked with wheels off the road. He said that the high fines would ensure that once fined, the offenders were not likely to repeat the infractions. He noted that 100% of the offenders were from out of town, and recommended avoiding the additional cost of changing the ordinance.

Commissioner Dale Woodland said he had always thought the increases in fines for these infractions were excessive. He said that he had never seen these infractions become a real problem, and that he agreed with the Mayor.

Chair John Quam confirmed that the topic would be put on a future Commission Work Session agenda, and for May 13th if possible.

REPUBLICATION OF CITY CODE – Line Item Transfers - \$8,800

Building Official Kevin Donohue noted that both the City Code book and the online version were out of date, with over 300 pages yet to be codified. He referred to the proposal contained in the April 20th, 2004 memo to the Mayor from City Clerk Alice Baird. He noted that the price would be \$8,700, to include 5 books, as well as the new digitized version, also published on the Internet. The Building Official indicated that the price for the digitized version included a folio bound view with three concurrent users licenses. Mr. Donohue pointed out that for \$700, the republished code would automatically be updated with state law references, thus saving a great deal of time and associated expense. He explained to the Commissioners the option for the legal review of the City's Code and submission of a detailed memorandum, with optional editorial conference, at a total cost of \$6,000.

Building Official Kevin Donohue noted that digital folio bound views of the electronic Comprehensive Plan could be done at no additional cost when it is to be published, and the total expense of \$1,450 could be budgeted for next year. Mayor SueLynn and Building Official Kevin Donohue noted that with staff having access and the ability to search and manipulate the digital folio versions the cost of comparing the Code with the Comprehensive Plan for congruence would be drastically reduced.

The Mayor proposed taking funds from the Maintenance II position that is currently open, as well as from the Imaging (street files) Line Item in the Public Works budget.

MOTION: Commissioner Duke Miller moved that the City proceed with the republication of the City Code from the April 20, 2004 memo to the Mayor from City Clerk Alice Baird, in the amount of \$8,765, seconded by Chair John Quam.

Vote: No vote taken.

Commissioner Dale Woodland said that he could not vote to approve any expenditure the first time it comes before the Commission. He asked the City Clerk if the City more often passed new ordinances than amended ordinances. Building Official Kevin Donohue indicated that there were numerous amendments that were not available to staff and the public because they had not yet been codified. He said that this wasted a tremendous amount of time for all parties. Building Official Kevin Donohue noted that the Comprehensive Plan Ad Hoc Committee and the Planning & Zoning Board needs to know what the rules are now, before they complete the revised Comprehensive Plan. Commissioner Dale Woodland said he was already convinced that this was the right thing to do.

Building Official Kevin Donohue recommended that each year, money be budgeted for maintenance of the Code. He noted that in 2001, the updating of the Code books had stopped. City Clerk Alice Baird noted that the \$3,000 budgeted that year had not been sufficient, due to the number of ordinances passed. She said that republication of the Code in its entirety was needed, instead of supplements. Building Official Kevin Donohue noted that not every ordinance needed to be in the Code book. He said that such ordinances would be kept at the Clerk's office.

Commissioner Carol Ann Magill recommended getting an estimate for the maintenance of the Code book. Building Official Kevin Donohue noted that this would be found on the third page of the memo, which would be the recommended amount for next year's budget.

Mayor SueLynn said that if the City republished the Code now, doing a comparison with the Comprehensive Plan would be much easier and less expensive. She pointed out that with a Line Item transfer, there would be no additional cost to the City.

Chair John Quam withdrew his second of the motion. Commissioner Duke Miller withdrew his motion.

There was consensus to table the subject until the next Work Session.

MOTION: Commission Chair John Quam moved hear Public Comment and to move agenda Item #14 before #13, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

Commissioner Carol Ann Magill left the meeting at 8:45 p.m.

FLOOD MITIGATION GRANT APPLICATION PROPOSAL

Chair John Quam introduced grant writer Angie Brewer who explained that federal money administered by the Department of Emergency Management in Tallahassee was available for four projects to prevent flooding in Anna Maria. She said that this was one of the few programs available to funnel federal funds to small communities such as Anna Maria. She said that this year there is 2.1 million flood mitigation grant dollars available for the State of Florida, with a maximum expectation for Anna Maria of \$300,000 to \$350,000. Ms. Brewer said that her organization had spoken with Tom Wilcox at BDI, and chosen projects seen as putting Anna Maria in a competitive position for the funds. She said that over the years, she had served local governments who obtained billions of dollars in grants. She recommended that communities position themselves to submit and resubmit for grant funding. She said that her firm would prepare the grant application, prepare the cost benefit analysis for projects that qualify for the NFIP benefit program. Ms. Brewer said he firm's fee would not exceed \$10,000.

Building Official Kevin Donohue noted that many projects are funded through the City budget, and therefore if it costs \$10,000 for a grant writer to obtain \$20,000 for the City, the Anna Maria would be gaining. He noted that grant writers are useful in targeting grants. He noted also that the deadline for the grant application is May 31, and that Ms. Brewer would need as much time before then as possible to do the work. Ms. Brewer said her firm would investigate the possibility of qualifying so that a match is not required.

Mayor SueLynn noted that \$17,000 remained in the CIAC contingency fund, which could be used to pay the grant writer, and that the anticipated gain would be worth it.

Building Official Kevin Donohue confirmed to the Mayor that the community flood insurance rating system could benefit from the reports generated by the application for the grant. Ms. Brewer said that this is one of the reasons federal money is being targeted to the small communities. She said that she would need a full 30 days to put the necessary package together.

MOTION: Chair John Quam moved to extend the meeting past 9:00 p.m. until all agenda items are completed, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

Public Works Director George McKay noted that there was adequate money in the CIAC Contingency Fund to pay the grant writer. He said he thought \$10,000 invested in the direction of targeting and applying for grants would be money well spent, offering a quick solution with good returns. He requested a Special Meeting to consider the proposal.

Chair John Quam confirmed with Angie Brewer that the grant deadline was May 31st.

Commissioner Duke Miller noted that the BDI overage was already high, and that if Ms. Brewer had a 99% success rate, the City would be foolish not to approve the proposal.

There was consensus for a Special Meeting to consider the proposal on April 26th, 2004 at 6:00 p.m.

SMALL DRAINAGE PROJECT – Chilson Ave. Cul-de-Sac (Line Item Transfer)

Chair John Quam said that he questioned the word “if” in two paragraphs in the memo from Tom Wilcox. He said he could see no alternative to putting the Chilson project on next year’s budget.

Public Works Director George McKay said that he had spoken with the County, which had done its research, which revealed that the plat prohibited use of the area except for potable water, and therefore BDI was reverting to the original City-wide drainage plan.

EVALUATIONS AND INSPECTION OF CITY HALL STRUCTURE – Roof, Windows, Outside Walls

Chair John Quam noted that Bringman Roofing had done the roof inspection, which confirmed George McKay’s estimate that the roof had approximately two more years of useful life, and that the one leak should be repaired, or that it could wait until the new roof is put on. Chair John Quam recommended putting money into next year’s budget for a new roof.

Chair John Quam said that he did not think inspection for replacing windows was justified, in view of the moderate utility bills, and the hurricane protection offered by the protective boards furnished by the Public Works Department.

Chair John Quam said he did not feel an inspection of the exterior of the building was justified, and there was consensus among the Commissioners not to pursue the replacement of windows and repair of exterior walls.

PUBLIC COMMENT

A resident advocated preserving the high parking fines as an appropriate deterrent to violators.

A resident agreed with the Mayor concerning the reduction of fines for violation of the Wheels Off the Road legislation, noting that one city away on the Island, it was legal to park with wheels on the road. She advocated keeping fines as they are now for parking against the flow of traffic. The resident noted there had once been a three-minute rule for individual public comment, and recommended creating a 10-minute rule for Commissioners speaking about a single issue. She said the Commission was not getting as much work done as it used to. **There was consensus among the Commissioners to put this topic on a future Work Session agenda.** City Clerk Alice Baird noted that the current Commission had removed the time limit on public comment.

A resident on Chilson expressed the hope that flood relief would come to her street before she died.

PRESS COMMENT

None offered.

ADJOURNMENT

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

Vote: All Ayes. Motion carried.

The meeting adjourned at 9: 17 p.m.

Respectfully submitted,

Alice Baird
City Clerk

May 22, 2004
Date