

**CITY OF ANNA MARIA
CITY COMMISSION
OCTOBER 28, 2004
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

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

Also present: Frank Guggino (102 Maple); Lucinda Perry (counsel for Gugginos); Robert Schmitt, AICP (Land Planning Associates, planner for the Gugginos); Acting P&Z Board Chair Christopher Collins, City Engineer Tom Wilcox (BDI), Mayor SueLynn, City Attorney Jim Dye, City Clerk Alice Baird; Minutes Clerk Sylvie Reichmann

Press: Sun, Islander

CONSENT AGENDA

1. **APPROVAL OF MEETING MINUTES: City Commission Meeting 9/23/04; Special City Commission Meeting 9/27/04; Final Millage / Final Budget Hearing and Special Commission Meeting 10/07/04.**

- 1.a. **SPECIAL EVEN PERMIT APPLICATION - Anna Maria Island Privateers Christmas Parade - 12/04/04**

- 1.b. **SPECIAL EVEN PERMIT APPLICATION - Roser Memorial Community Church Christmas Walk - 12/18/04**

2. **"NATIONAL EPILEPSY AWARENESS MONTH" - Proclamation**

Commissioner Carol Ann Magill requested that the minutes of September 23rd, as well as the minutes of 5:00 p.m. and 6:00 p.m. on September 27th, be withdrawn from the Consent Agenda for discussion and there was consensus to do so. Commissioner Dale Woodland requested that the minutes of September 27th 10:40 p.m. Special Meeting be withdrawn also, and there was further consensus.

MOTION: Deputy Commission Chair Linda Cramer moved to approve the Consent Agenda, with the exception of the minutes above-mentioned, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

Commissioner Carol Ann Magill noted that on Page 2 of the minutes of September 23rd, under Report & Updates, second sentence, the spelling of the MCAT representative's name should be **Betti**; and said that on Line 6, she wished the name of Earl Nellius of Metro Bench to be included as her contact. The Commissioner also requested the spelling of a citizen's name to be corrected to read **Van Cleave**.

Commissioner Carol Ann Magill added that relative to the Waterfront Restaurant and Page 6, second paragraph, she was now requesting, as follow up, that the number of parking spaces (i.e., eight) be stipulated in the Lease, as City Attorney Dye had confirmed at the September 23rd meeting that they could be, as long as they are not marked. City Attorney Dye informed Commissioner Carol Ann Magill that the total amount of parking area had been stipulated, although the number of spaces themselves had not, even though the total area had been calculated relative to the dimensions of a legal parking space in Anna Maria and the seating allowed for the restaurant. Commissioner Carol Ann Magill said she hoped nonetheless that her concern that seating not be increased as a result of the new site plan had been appropriately addressed, and requested confirmation thereof.

Commissioner Carol Ann Magill noted that in the 5:00 p.m. September 27th meeting minutes she had been listed as present and as having made a motion to adjourn that meeting. The Commissioner noted that she had not been able to attend the meetings until the next one, relative to the Budget, at 6:00 p.m.

Commissioner Carol Ann Magill said, relative to Page 3 of the September 27th meeting minutes, that she thought that the consensus to keep the same number of officers and the budget amount (i.e., seven and \$583,315) should have been noted. Relative to Page 4, and the discussion of code enforcement, the Commissioner said she would like to see notation of the consensus to decrease the Code Enforcement Officer's hours to 16 hours per week and of the reduction of Line Item #65 by \$6,600. She said she also would have liked to see more coverage of the lengthy discussion relative to the **Code Enforcement Officer position**.

Commissioner Dale Woodland said that in the minutes of the meeting at 10:40 p.m. on September 27th, under Item Number 1, relative to authorization of the Sheriff's contract, his vote had been incorrectly accounted for as 'Aye'.

MOTION: Deputy Commission Chair Linda Cramer moved to accept the minutes of September 23rd, as well as the minutes of 5:00 p.m. and 6:00 p.m. on September 27th, and the minutes of the same date at 1:40 p.m., as amended, and Commissioner Carol Ann Magill seconded the motion.

Vote: All Ayes. Motion carried.

2. **REPORTS & UPDATES**

Deputy Commission Chair Linda Cramer reported that she attended the October 19th Community Center meeting presenting their plan to the public. She said that she had confirmed with Building Official Kevin Donohue and City Attorney Dye that that she had correctly indicated to the staff and planners that their plan would require a site plan review by the Anna Maria Planning & Zoning Board, as well as the Commission.

Commissioner Carol Ann Magill noted that the EEEEC Committee had worked very hard on a brochure this year that would be made available to residents, visitors and businesses, containing information people need to know to enjoy Anna Maria, be safe, and take care of the habitat. She said that because of the storms, they would need to go into the general fund to complete the mailings and distribution of the brochures, and had written a memo to the Mayor regarding this. Commissioner Carol Ann Magill confirmed with Commission Chair John Quam that this topic would be on the next work session agenda.

Commission Chair John Quam said relative to the P&Z hearing of the 203 Coconut Avenue Variance Request, that since this had been continued month after month, the applicant would be advised that a new application would be required.

There was consensus to hold the Commission Organizational meeting after the election at 4:00 p.m. on November 12th.

Commission Chair John Quam announced that the next Commission Work Session would be held on November 4th at 7:00 p.m., and the Regular Commission Meeting would take place on November 18th at 7:00 p.m.

MAYOR'S REPORT

The Mayor announced that work would begin on the bridges November 8th and that signs would be going up in the city the day after this meeting.

The Mayor announced that the re-codified City Ordinances are now current through May 2004 and are available for viewing on the Internet on the city web site. She said additional copies would be available for the public after the digital format is received.

Mayor SueLynn thanked the Island Baptist Church for use of their facilities, as well as the Holmes Beach Mayor and Staff for use of their meeting facility, and Roser Church staff for helping the community during the hurricane emergencies.

The Mayor said the City would need to have the carpets at the Island Baptist Church cleaned due to the large amount of activity in that building while it housed the City offices.

Mayor SueLynn said that on several occasions she had been informed that parking on the gravel slope in front of the building constituted a safety hazard, and noted that the new City Hall configuration would help to eliminate this. She said that the 'no parking' signs would be removed on Election Day. The Mayor said that City staff and EEEEC Chair Tim Eisler would be surveying the entire City Hall grounds to improve parking, ADA compliance, and general appearance. She said the City staff is open to suggestions, and requested the public's patience as staff gets settled in the renovated surroundings.

3. **"FARM - CITY WEEK" PROCLAMATION - Presented to Mr. Ed Flowers**
Chair John Quam read the proclamation aloud announcing that the week of November 20th, 2004 would be designated "Farm - City Week", having announced that Mr. Flowers could not attend. He said that Mr. Keegan was accepting the Proclamation on behalf of Mr. Flowers. Mr. Keegan said that this year's theme would be commercial fishing, and thanked the Commission for the City's support.

5. **VARIANCE REQUEST - Public Hearing, 102 Maple Avenue - Recommendation from the Planning and Zoning Board**

Acting Planning & Zoning Board Chair Christopher Collins August 23rd presented P&Z's recommendation against approval, voting six to zero to deny the variance request, on the grounds that the hardship had not been proven. Attorney Lucinda Perry, of 1205 Manatee Avenue introduced herself as counsel and spokesperson for the Gugginos. She confirmed that the members of the Commission had before them the resume of Robert Schmitt, AICP, who had studied the plan relative to the Code and concluded that it was in compliance.

Mr. Guggino rose and thanked Mayor SueLynn the Commission for the opportunity to speak. He said that he felt that he had been remiss at the P&Z hearing in not adequately and clearly explaining the hardship that prompted the variance request. He said his plan would remove six out of seven non-conformities, while improving the seventh. Mr. Guggino said that he had received the support of all his neighbors for his design. He said that his and his wife's wants had been paired down to focus on the need for a reasonable livable area.

Ms. Perry noted that the Gugginos had been longtime part-time residents of Anna Maria. She explained that in 1923, the building in question had been built before the area was platted and before the City itself was incorporated. The attorney said that although the house was renovated in the 1950's, it had most of its original wiring and plumbing and did not meet any of the FEMA regulations. She distributed a diagram for the Commissioners' review that showed four setback violations currently existing. Ms. Perry noted that impervious coverage and maximum building regulations had been exceeded. She said that her clients wish to replace the structure with one that changes the setback currently at 9.8' to 10'. The attorney noted that P&Z had voted to deny the variance due to non-compliance with the eight criteria necessary for approval.

Ms. Perry introduced Mr. Robert Schmitt, who enumerated various non-conformities existing on the property, and described plans to come into compliance with these and FEMA requirements, noting that the current configuration could place a neighboring property, as well as the public, in jeopardy in case of fire. He noted that the hardship consists of a 50 ft. wide lot located on a corner, giving them a 25 ft. wide buildable area, and that this small

amount of spaced constitutes a unique hardship peculiar to this corner location. The planner said that the non-conformities were not created by the owners, and had been in existence prior to the incorporation and platting of the area. He noted the property currently had a rear apartment, which would be eliminated by the new design, thereby reducing the intensity of use.

Ms. Perry noted that in 1923 the lot had not been a corner lot. She concluded by saying granting the variance would create a win/win situation for everyone in Anna Maria. She reminded those present that the purpose of setbacks is to allow light and air into homes, as well as safety.

Deputy Commission Chair Linda Cramer received clarification of the setbacks on the diagram from Ms. Perry and Mr. Schmitt. Mr. Schmitt pointed out that the easement from the driveway is 16 ft. from the edge of the asphalt.

Commissioner Carol Ann Magill asked if the evidence presented to the Commission this evening was the same as the evidence presented to the Planning & Zoning Board. Ms. Perry said that she and the planner had not been present at the P&Z hearing, and that further research had been done relative to the Code by herself and Mr. Schmitt. She confirmed that she believed the evidence had not substantially been changed or added to for this evening's meeting.

Mr. Schmitt confirmed to Commissioner Carol Ann Magill that the design could be changed to not require the variance, however, he would not recommend giving up the existing pre-firm ground floor as well as the rental property to construct a 25 ft. wide rectangle.

Christopher Collins confirmed to the Commission that the evidence he had heard at the P&Z hearing was essentially the same as that heard at this evening's hearing.

Commissioner Carol Ann Magill asked what the rationale was behind the 15 ft. setback requirement for corner lots. Commissioner Duke Miller said that one of the issues would be safety. Ms. Perry said that the structure would still be 25 ft. from the pavement. Deputy Commission Chair Linda Cramer noted that since the lot is on a dead end street, the safety issue would not really apply. She mentioned that she would have liked to see the turnaround addressed.

Commissioner Duke Miller said that he felt the hardship was still one of desire, rather one arising out of need. Addressing uniqueness, he said that there are numerous 50' x 100' lots in the city of Anna Maria, and that he would be concerned that a precedent could be set for potential future applicants.

Ms. Perry said that she firmly believed that a unique hardship existed because the house was platted as a corner lot after it was already built and standing for many years. She noted that the bulk of the other non-conforming lots mentioned by

Commissioner Woodland were not corner lots. The attorney said the applicants were simply asking to have the 'side street' yard setback to be treated as a side yard, as for an inside lot, which it in fact is.

Commission Chair John Quam said he felt that the Commission should adhere to Sec. 114-103 and that he believed that hardship, as defined there, did not exist in this case.

Commissioner Duke Miller said he felt the situation was unique for two reasons: 1) the applicants would be eliminating six out of seven non-conformities; and 2) that this case is relative to a corner lot that is not on a corner. He commended the Gugginos' conservative approach to the project, as evidenced by not having gone through the entire planning process before approaching the City. The Commissioner said he felt that overall, the City and the Gugginos' immediate neighbors would be better off if the variance is approved.

Deputy Commission Chair Linda Cramer confirmed with Building Official Kevin Donohue that the average right-of-way on Gulf Drive was 8' to 10'. She said that she did not feel that this situation was one that required a setback of 15 feet, since she also viewed it as a side yard setback.

MOTION: Deputy Commission Chair Linda Cramer moved to approve the requested 5 ft. variance applied for by Jack and Judy Guggino for 102 Maple Avenue, seconded by Commissioner Duke Miller.

Roll Call Vote: Commissioner Dale Woodland: Nay; Commissioner Carol Ann Magill: Nay; Commission Chair John Quam: Nay; Deputy Commission Chair Linda Cramer: Aye; Commissioner Duke Miller: Aye. Motion failed three to two.

MOTION: Commissioner Dale Woodland moved to deny the requested 5 ft. variance applied for by Jack and Judy Guggino for 102 Maple Avenue, seconded by Commission Chair John Quam.

Roll Call Vote: Commissioner Dale Woodland: Aye; Commissioner Carol Ann Magill: Aye; Commission Chair John Quam: Aye; Deputy Commission Chair Linda Cramer: Nay; Commissioner Duke Miller: Nay. Motion carried three to two.

Ms. Perry requested a motion be made to request a written order of factual findings with respect to the motion to deny the variance request, for the purposes of filing a petition to appeal this issue. City Attorney Dye responded that this could be requested but was not required, and the counsel for the Gugginos countered, with respect, that legally city quasi-judicial bodies were now required to submit written findings of fact. City Attorney Dye replied that he had never heard of this being applied to a land use case, and that he would return to the parties upon review.

Public Comment

Diane Canniff reviewed a diagram the applicants displayed showing the location of their property. She noted that if the front door faces the street in question, it would need a 20 ft. setback. Mr. Guggino confirmed to her that a rendition of the proposed house was shown to the P&Z Board, but that this had not been presented today because it was not necessarily a representation of the structure that would eventually be designed. Christopher Collins confirmed to Ms. Canniff that the Board had understood the design to be composed of two stories over parking. Mr. Guggino noted that he was proposing to remove encroachments on his neighbors' property, and said that he had looked into renovating, but had not found it feasible. He said that as a resident since 1979, he wished to keep the charm of the neighborhood in his design.

John Cagnino, of 306 - 73rd Street, Anna Maria, said that he knew the Guggino property well. He said that Gulf Blvd., as no through street, was largely unused. Mr. Cagnino said that the new Guggino design would correct a situation where one currently can barely walk between homes. Mr. Cagnino said that the hardship existed because it had been created when the City put the street there. He asserted that rights stay with the property, not with the new owners, and that he clearly saw that there had been a taking on the part of the City. Mr. Cagnino noted that the owners bought the house 25 years ago, and therefore could not have known what their needs in 2004 would be.

Resident Georgia van Cleave said there was an instance in the City where a non-conforming house had been given an address on Willow instead of Gulf, even though the front door did not face Willow.

Commissioner Carol Ann Magill said she still felt the applicants could enjoy reasonable use of their property without a variance.

Commissioner Dale Woodland said that he assumed the lot would be cleared prior to building the new structure. He said he saw the situation as being that when the lot is cleared, the non-conformities disappear. He said that if the Commission grants the variance, a new non-conformity would be created.

Mr. Joe White of 111 Spring Avenue said that he had received a variance due to his hardship being that his lot was 50 sq. ft. short of the allowable buildable lot size in the City at that time. He urged the Commission to favorably consider the Guggino's request, especially since a nicer home would bring in more taxes.

Mr. Art Marino of 110 Maple. He said he had not seen a situation more unique than this one, and had been involved with planning for many years.

Mr. Cagnino said that Mr. Guggino had endeavored to improve the situation for others at his own expense, and therefore urged the Commission to treat his

situation fairly.

Deputy Commission Chair Linda Cramer noted that Gulf Blvd. is not a paved thoroughfare, and that she was concerned that a peculiar and unique hardship existed because of the corner lot setback.

Mr. Dye confirmed to Mr. Schmitt that the applicants could petition the City to give up 5 ft. of right-of-way, since there is no road on Gulf Blvd.

Commissioner Duke Miller said he felt the applicants should receive approval for their variance request.

Commission Chair John Quam reiterated his position that he felt the Commission should remain with the opinion that the unique hardship had not been adequately satisfied.

Commissioner Duke Miller explained to Commissioner Dale Woodland that the Gugginos' house had been built as if it were on Gulf Blvd., and if the lot was platted today, it would be facing in another direction. Commissioner Duke Miller and Commission Chair John Quam agreed that there were some other lots in the City that had the same characteristics.

Chair Quam closed the public hearing prior to calling for the vote on the motion to approve the variance request.

MOTION: At 9:04 p.m., Deputy Commission Chair Linda Cramer Commissioner moved to take a five-minute break, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

MOTION: Commissioner Duke Miller moved to continue the meeting until the agenda is completed, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting resumed at 9:12

MOTION: Deputy Commission Chair Linda Cramer moved to address agenda Item # 9, followed by Item # 8, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

6. SECOND READING AND PUBLIC HEARING - ORDINANCE #04-625 AMENDING SEC. 114-242, SEC. 114-262, Sec. 114-282 STRUCTURES WITHIN R-2, C-1, ROR AND PSP ZONING DISTRICT

Deputy Commission Chair Linda Cramer read the Ordinance by title. Commission Chair John Quam declared the public hearing open. He noted that two items had been noted for the P&Z Board's opinion. Commission Chair John Quam reported that P&Z recommended using the language "23 ft. from the crown

of the road to the top of the ceiling of the second floor", and relative to 'ground' or 'lowest', their choice had been for using the word "ground". Commission Chair John Quam noted that using the word "ground" would preclude building upward in the commercial district.

There was discussion relative to the possible effects and the relative intent of the ordinance. Building Official Kevin Donohue confirmed that the Commission's intent of limiting occupation to two stories would be accomplished, however, it would still allow a possible three-story, 37 ft. high façade, or a single story, 37 ft. high building. Commissioner Duke Miller confirmed that he had been looking at density and intensity of use, and had desired limiting the usable floors to two in ROR and C-1. Building Official Kevin Donohue said that possibly the limitation for commercial use could be that the building height itself could be limited to 27 ft. from the crown of the road.

Commissioner Duke Miller asked about discouraging flat roofs. Building Official Kevin Donohue responded that the minimum 'four on twelve' rule could be adopted, describing a grade of four inches per foot. Deputy Commission Chair Linda Cramer said she would be in agreement with that.

City Attorney Jim Dye confirmed with Building Official Kevin Donohue that if the City prohibited flat roofs, it would be eliminating a design allowed by the Florida Building Code.

Building Official Kevin Donohue recommended "For buildings with commercial uses in ROR, PSP and C-1, the maximum number of stories allowed is two, with the height of the top story not to exceed 27 ft. from the crown of the road.", and there was consensus for this.

City Attorney Jim Dye recommended taking the Ordinance back to his office for a re-draft of the desired language, and received consensus.

MOTION: Deputy Commission Chair Linda Cramer moved to continue the public hearing on Ordinance 04-625 to the next Regular Commission meeting on November 18th, 2004, seconded by Commissioner Carol Ann Magill.

Vote: All Ayes. Motion carried.

Public Comment

Sandy Oldham, an owner of a business on Pine, objected to restricting the number of habitable levels to two.

Resident Jim Conoly asked if 'new construction' was only relative to building from the ground up, or if it would allow the addition of a second story. Building Official Kevin Donohue noted that additions were not covered by this ordinance, and City Attorney Jim Dye said that he would address this in the re-draft.

Resident Georgia van Cleave confirmed with Building Official Kevin Donohue that the 50% rule applies to all the property in Anna Maria.

Resident Joanne Mattick of 876 North Shore asked what the ordinance would accomplish, since the property owners in ROR would sell to residential users, which would still allow a three-story 37 ft. high building.

Resident Chuck White of Magnolia asked what would prevent someone from building a three-story residence in ROR and then applying for a home occupation license.

7. SECOND READING AND PUBLIC HEARING - ORDINANCE 04-626 AMENDING SEC. 74-333, REQUIREMENTS FOR AFFIXING ADDRESS AND STREET NUMBERS UPON IMPROVED PROPERTIES

Deputy Commission Chair Linda Cramer read the Ordinance by title. Commission Chair John Quam declared the public hearing open. Mayor SueLynn explained to Commissioner Carol Ann Magill that this Ordinance had arisen from the identification of a safety issue raised by Kurt Lathrop of the Fire Department.

Public Comment

Diane Canniff noted that street names would need to be included and that location of the address and street numbers would be inconsistent and most likely they would need to be lit to be effective. She asked how the Ordinance would be enforced. Mayor SueLynn said that once the Ordinance is passed, the City could serve notice to property owners, giving them a specific time within which to comply. She confirmed to Deputy Commission Chair Linda Cramer that other Island cities are completing the process of passing similar legislation.

Christopher Conoly recommended the City giving out numbers for residents to post.

MOTION: Deputy Commission Chair Linda Cramer moved that the City of Anna Maria adopt Ordinance 04-626, seconded by Commissioner Duke Miller .

Roll Call Vote: All ayes. Motion carried.

Commission Chair John Quam declared the public hearing closed.

8. SECOND READING AND PUBLIC HEARING - ORDINANCE 04-627 LAKE LA VISTA RESERVED PARCEL

Deputy Commission Chair Linda Cramer read the Ordinance by title. Commission Chair John Quam declared the public hearing open.

MOTION: Deputy Commission Chair Linda Cramer moved to adopt Ordinance #04-627, seconded by Commissioner Duke Miller.

Roll Call Vote: All Ayes. Motion carried unanimously.

Public Comment

None offered.

9. REVIEW AND APPROVE GLADIOLUS / NORTH SHORE BASIN DRAINAGE PROJECT -- COOPERATIVE FUNDING AGREEMENT -- SWFWMD

City Engineer Tom Wilcox said he had recommended adding six months to each of the milestone dates for the project to allow some leeway. He reviewed several minor changes.

Commission Chair John Quam noted that the Mayor now needed the Commission's approval to sign the contract, since the scope of work was about to begin. City Engineer Tom Wilcox noted that the City would not be committed until it receives its order to proceed from SWFWMD in December.

The Mayor cautioned against delays which might result in the City's being required to forfeit or return grant money. She noted that #1 had been completed, and pending approval by the City, and that the Mayor's office would be sent a document for the Mayor's signature.

Commissioner Carol Ann Magill confirmed that neighborhood workshops would be held relative to this project and City Engineer Tom Wilcox said that the community would be apprised regularly of developments as the project continued.

Commissioner Duke Miller confirmed with City Engineer Tom Wilcox that changes to plans at this point would need to be resubmitted. He asked if City Engineer Tom Wilcox was aware of anything today that would make the project cost more than \$135,000. He confirmed with City Engineer Tom Wilcox that the City Engineer knew of no activities related to this project that would not be covered by the grant.

MOTION: Commissioner Duke Miller moved to approve the Gladiolus / North Shore Basin Drainage Project SWFWMD Cooperative Funding Agreement and authorize the Mayor to sign it upon approval by the City Attorney, seconded by Deputy Commission Chair Linda Cramer.

Roll Call Vote: All Ayes. Motion carried unanimously.

Public Comment

City Engineer Tom Wilcox confirmed to Jim Conoly that if the SWFWMD Director signs the contract in December, the design stage would begin in January 2005, with the project going out to bid in August 2005, and the contract award and construction to begin in late September 2005, with an estimated completion date in March 2005.

10. RESOLUTION ADOPTING THE MANATEE COUNTY LOCAL

MITIGATION STRATEGY (LMS) (Refer to the 10/11/04 memo from Building Official Kevin Donohue.)

Building Official Kevin Donohue said that he had participated in this update for the past year. He said the effect of adoption would make the City eligible for grants for shutters and other equipment or studies, as well as improve CRS points.

MOTION: Commissioner Carol Ann Magill moved to adopt the Resolution adopting the Manatee County Local Mitigation Strategy, seconded by Deputy Commission Chair Linda Cramer.

Vote: All Ayes. Motion carried.

11. LAKE LA VISTA INLET DREDGING -- Approve Contractor

Mayor SueLynn reviewed the contract with the Commissioners, indicating that the figures had changed since the subject had last been discussed. She noted that whether the City goes with Energy Resources or Duncan Seawall, it would cost the City \$12,600 more than the amount currently budgeted. She referred to a memo from Public Works Director George McKay. The Mayor said that Energy Resources had proposed a five-year contract at \$89,300 per 18 months and offered to do the work this year for \$115,700 if it is for one year only, whereas Duncan Seawall had submitted a more costly proposal. She said there was a possibility of recovery of some monies from FEMA.

The Mayor explained that the companies had been asked for their one-year-only price, because there was a tentative plan to extend the jetty, which would make the filling in of the inlet a slower process. She said that spending \$25,000 or \$40,000 once to extend the jetty, with WSCIND help, could save the City the cost of needing to do the dredging every 18 months.

MOTION: Commissioner Carol Ann Magill moved to authorize the Mayor to sign the contract for the Lake LaVista survey, seconded by Deputy Commission Chair Linda Cramer.

Vote: All Ayes. Motion carried.

MOTION: Commission Chair John Quam moved to authorize the Mayor to proceed with signing the proposed five-year agreement, upon its review by the City Attorney, with Energy Resources for maintenance dredging of the Lake LaVista Inlet in the amount of \$89,300 every 18-months, seconded by Deputy Commission Chair Linda Cramer.

(continued)

AMENDED MOTION: Commission Chair John Quam moved to authorize the Mayor to proceed with signing the proposed five-year agreement, upon

its review by the City Attorney, with Energy Resources for maintenance dredging of the Lake LaVista Inlet in the amount of \$89,300 every 18-months, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

Commissioner Duke Miller asked if the five-year contract would come back before the Commission for review. Mayor SueLynn said that with the Commission's approval, she would ask City Attorney Jim Dye to review it. She asked for permission to sign the contract for the survey. **Commissioner Duke Miller said he would rather have the 18-month stipulation removed and there was consensus for this.**

12. WILLOW AVENUE -- GULF DRIVE TROLLEY STOP

Commissioner Carol Ann Magill referred to her memo to the Commission, in which she noted that this area had six blocks between stops, and as such was the only one in the City. She noted that funding had been confirmed, and the location had been revised according to citizen input. The Commissioner urged the Commission to approve the stop. Mayor SueLynn asked that the Commission leave the administration of the proposed stop to the City. Commissioner Carol Ann Magill said that the Mosses and friends said that they would contribute to pay for any expenses incurred by the City.

AMENDED MOTION: Deputy Commission Chair Linda Cramer moved to approve the trolley stop at Willow Avenue, contingent upon findings by the Mayor, MCAT, and Metro Bench, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

PUBLIC COMMENT

Deputy Commission Chair Linda Cramer said that she recalled that past Commissions had spoken about a P&Z policy, and recommended that this topic be put on a New Business agenda.

Deputy Commission Chair Linda Cramer referred to the Business / Rental license discussion, and requested that this be put on an upcoming agenda. She recalled that City staff was going to discuss this and come back to the Commission

PRESS COMMENT

A member of the press noted that the policy relative to P&Z Board public hearings, had been put into place as a Resolution.

(continued)

ADJOURNMENT

MOTION: Deputy Commission Chair Linda Cramer moved to adjourn the

**meeting, seconded by Commissioner Duke Miller.
Vote: All Ayes. Motion carried.**

The meeting adjourned at 11:04 p.m.

Respectfully submitted,

Alice Baird
City Clerk

11/18/04
Date