

**CITY OF ANNA MARIA
CITY COMMISSION
JANUARY 27, 2005
7:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

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

Also present: Manatee County Commissioner Jane von Hahmann; Manatee County Commissioner Joe McClash; Mayor SueLynn, City Attorney Jim Dye, Sheriff's Deputy Sgt. John Kenney, City Clerk Alice Baird, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander, Herald

MOTION: Chair John Quam moved to add the Special Event Permit Application for the Jazz Festival on February 3, 2005, and to remove the Special Meeting Minutes of January 7, 2005, and also remove the Regular Commission Meeting Minutes of December 16, 2004 for discussion. Deputy Commission Chair Linda Cramer seconded the motion.

Vote: All Ayes. Motion carried.

MOTION: Commissioner Carol Ann Magill moved to remove Item #4 from the Consent Agenda, seconded by Commission Chair John Quam.

Vote: All Ayes. Motion carried.

MOTION: Commissioner Dale Woodland moved to approve the rest of the Consent Agenda, seconded by Deputy Commission Chair Linda Cramer.

Vote: All Ayes. Motion carried.

CONSENT AGENDA

1. **Resolution #598 – Florida League of Cities Legislative Priorities**
2. **Approval of minutes: Special City Commission Meeting of 12/14/04; Regular City Commission Meeting of 12/16/04 and Special City Commission Meeting of 01/07/05.**
3. **Proclamation for Retired Military Service**
4. **Approval of Payment to Walker Service %3,200 (Tree Work & Mow / Clean)**
5. **Appointment of Fran Barford to P&Z Board (Term to expire 07/05)**

Commissioner Carol Ann Magill referred to the Commission Meeting Minutes of December 16, 2004, Page 5, second paragraph, and requested that the phrase

containing the words “appreciated Commissioner Magill’s comments” be removed.

**MOTION: Deputy Commission Chair Linda Cramer moved to approve Commissioner Magill’s request, seconded by Commissioner Duke Miller.
Vote: All Ayes. Motion carried.**

Relative to Consent Agenda Item #4, Commissioner Magill said that Deputy City Clerk Diane Percycoe had requested a detailed receipt for the payment to Walker Service relative to invoice #101, of January 5th, 2005, due to an inquiry and discussion with her. Mayor Sue Lynn indicated that Deputy Clerk Percycoe had received information from the contractor that the invoice pertained to the removal of six Australian pines and two pepper trees. She confirmed that the contractor has agreed to provide more detailed invoices in the future.

**MOTION: Commissioner Duke Miller moved to approve Consent Agenda Item #4, seconded by Deputy Commission Chair Linda Cramer.
Vote: All Ayes. Motion carried.**

6. REPORTS & UPDATES

Commissioner Carol Ann Magill said that she attended the Board meeting at the Community Center on January 12th, where it was announced that the fundraising Affair to Remember would be held a month earlier than originally scheduled. She urged those interested in attending to make their reservations as soon as possible.

Deputy Commission Chair Linda Cramer indicated that she had attended a recent Historical Society Board meeting to discuss the requirements for a Building Permit, the procedure for a variance, and the ordinance to transfer ownership of Belle Haven to the Historical Society. The Commissioner noted that Board members remarked that the complexity of the situation would require some time to resolve it. She requested, on the Board’s behalf, that the City make every effort to expedite the process so that the Historical Society would have a few weeks to clean up the site before the Heritage Day Festival on March 5th, 2005. Commissioner Cramer said she thought that Belle Haven Cottage looked better today than it did last year.

Commission Chair John Quam again requested that applications for future Special Event Permits be submitted at least six weeks prior to the event.

Commission Chair introduced Fran Barford as the newest member of the Planning & Zoning Board and congratulated her upon her appointment.

MAYOR’S REPORT

Mayor SueLynn reported that Building Official Kevin Donohue had attended a workshop that resulted in his certification as a Flood Plain Manager. The Mayor said that this additional expertise will allow the Building Official to better assess and manage flood plain areas that the certification would also give the City 50

more points toward lowering its CRS rating an additional 5%.

Mayor SueLynn reported that the construction of berms began the day previous to this evening's meeting, and referred to her memo to the Commission relative to reimbursement from FEMA. She said that even though the City may need to pay prior to receiving the funds pledged by FEMA, she authorized the contractor to begin work because erosion is just a few feet from the foundation of one of the homes involved.

The Mayor noted that the Commissioners would need to think about providing additional voting days prior to official voting day in November. She said that the City could opt out, or could select voting days, up to fifteen days prior, to include one weekend day. Mayor SueLynn said that this topic was on the next Work Session agenda for discussion.

Mayor SueLynn noted that Chuck Webb had resigned from the P&Z Board due to his duties as a colonel in the United States armed forces. The Mayor announced that Chair Charles Canniff had also resigned, as a result of new obligations. Mayor SueLynn asked anyone interested in serving on the Planning & Zoning Board to contact City Hall. She added that there were additional openings on the Code Enforcement Board and the Environmental Enhancement and Education Committee (EEEC).

7. PROPOSED MANATEE COUNTY GROWTH MANAGEMENT CHARTER: Discussion Draft (County Commissioner Joe McClash)

Chair John Quam introduced Manatee County Commissioners Jane von Hahmann and Joe McClash. Commissioner McClash took the floor and thanked the Anna Maria City Commissioners for their invitation to discuss the growth management charter proposal. He outlined emphasized two major points about the nature and impact of the proposed county charter:

- Charter government would not mean consolidation, i.e., cities would remain the same with the same functions under law.
- The only noticeable change would be the establishment of a county-wide land use plan. Mr. McClash said that if a city's own laws were more stringent, its rules would govern.

County Commissioner McClash described the make-up of the County-Wide Land Use Planning Council that would be formed under the proposed charter. He said the Land Use Plan would be adopted after public hearings and the approval of the County Commission.

Commissioner McClash said that the Council would address concurrency and impact fees, two important topics on the mainland that would not have much impact on the Island. He said the Council would also review plats. The County Commissioner said that topics for Council discussion could include extending the

urban boundary line, a move that would increase density. He said that each municipality would need to appoint a member to the Council and would need to conform with the Land Use Plan. Mr. McClash indicated that the County would have final plat plan approval.

County Commissioner Joe McClash said that if the County Charter is adopted, it could be amended only by referendum. He said that under the charter, cities would not be able to annex land without Council and County Commission approval. Annexation causes the county plan to be superceded the municipal plan.

During the discussion that followed, Commissioner McClash said that the problem with the current Accord was that it has no binding capabilities. He said that he hoped to avoid future problems by having a County plan. The County Commissioner said that currently preliminary input is being gathered from County communities for discussion by the County Commission.

Anna Maria Commissioner Duke Miller noted that the proposed charter currently only deals with land use, and added that a charter that is changeable by referendum appeared to him to be only the tip of the iceberg. Commissioner Miller pointed out that due to its low population, the Island community voices would be lost in a county-wide referendum, even though an inordinately large share of the taxes come from the Island.

County Commissioner Jane von Hahmann said that she had also identified the same concern, and that the number of people required to initiate a referendum should be the same in each community. Commissioner Duke Miller responded that the final vote would nonetheless be skewed in the mainland's favor.

County Commissioner Joe McClash said that municipal powers could not be taken away by the proposed charter, which only governs land use.

County Commissioner Jane von Hahmann thanked the City Commissioners for attending the meeting at the County earlier in the day of this evening's meeting.

Anna Maria Commissioner Linda Cramer asked if a certified planner could represent Anna Maria on the Council and County Commissioner McClash responded that this would be advantageous.

In response to Anna Maria Commissioner Dale Woodland's question about why County Commissioner McClash thought the Accord was not working, the County Commissioner responded that in part it was because of instances where the City of Bradenton was not abiding by the agreement. Commissioner McClash added that county citizens were upset by the trend for annexation, and that the County could not provide them with any assurances without a binding charter.

County Commissioner von Hahmann said that Mr. Walker had identified issues

with the Accord and that the County attorney was now looking into ways to make the document binding and workable. County Commissioner McClash said the issues regarding the Accord would be examined at the County Commission meeting in February.

Anna Maria Commissioner Dale Woodland said that land use issues were probably the most important issues that the City had control over, adding that he felt uncomfortable about losing this autonomy. He asked if there could be any legal way to permanently limit the county charter's powers. County Commissioner McClash said there probably was no real way to do that, but that the State would have ultimate authority. Commissioner McClash suggested a proper legal review of any referendum to amend the charter prior to putting it on the public ballot.

Anna Maria Commission Chair John Quam said that he had been at the County meeting earlier in the day and his recommendation would be to work the items now being addressed by the proposed charter into a binding Accord.

County Commissioner Joe McClash said that a draft would soon be available for municipal review and that he hoped the cities' issues would be addressed.

Mayor SueLynn asked what other ways the County intends to manage the enormous growth in population. Commissioner McClash responded that the Parrish overlay system had been developed to protect citizens from growth. He indicated that density overall in the County is still well below threshold, and added that within the broader picture, growth is what fuels this country's economy. The County Commissioner said that another new development in growth management would be used to identify problem areas where the current road systems are not compatible with growth, adding that this will be the first time this approach is used in the State of Florida.

Mayor SueLynn reiterated her deep concern and urged the City and County Commissioners to keep an eye on what is happening at the state level, as well as the county and municipal levels. She received assurance from County Commissioner von Hahmann, recently appointed chairman of the Tampa Bay Regional Planning Council (TBRPC), of her commitment to share with the County Commission and the Island mayors any information she acquires. Commissioner von Hahmann noted that there are intentions at the state level to consolidate large areas for regional planning, a move which would marry the futures of Hillsborough and Manatee counties and diminish their autonomy. The TBRPC Chairman said that she would be paying very close attention to this and other developments, and would keep the Mayor apprised.

On behalf of the Commission and the citizens of Anna Maria, Chair Quam and Mayor SueLynn thanked Commissioners von Hahmann and McClash for their presentation at this evening's meeting.

8. SECOND READING OF ANNA MARIA ORDINANCE #05-630 – Traffic Regulation Ordinance adopting Traffic Regulations for the Public Roads and Rights-of-Way Within the Corporate Limits of the City

Deputy Commission Chair Linda Cramer read the ordinance by title. Commission Chair John Quam noted that the ordinance had been drafted to comply with the requirements of Code 58-37. He noted that in this final draft, Schedule B had been amended to include only existing signs. Chair Quam declared the public hearing open.

Commissioner Carol Ann Magill said that she objected to ‘no parking’ signs that had been put up on beach access streets being included on Schedule B. She said that she could at this time only support signs that were for safety reasons.

In response to a question from Deputy Commission Chair Linda Cramer, Chair Quam noted that there would be no parking allowed on both sides of North Shore for approximately one mile between Pine and Alamanda.

Commissioner Duke Miller said that per Sgt. Kenney’s memo and from what various City departments had said, North Shore, as well as a stretch of Bay Boulevard are thoroughfares and for safety reasons, no parking should be allowed in the right-of-way. He expressed the concern that in light of evidence from law enforcement and city engineers, not including these areas could expose the City to liability issues.

Deputy Commission Chair Linda Cramer noted that a traffic engineering study commissioned by the City at the cost of \$8,200 had concluded that on-street parking in Anna Maria should only be allowed for adjacent property owners. She agreed that the current situation is not fair to many Anna Maria residents. Relative to the area at the end of South Bay, the Commissioner said that she had requested a survey from Blue Heron, and noted that there is a lack of turnaround areas throughout the city, exacerbated by the lack of public parking facilities. Deputy Chair Cramer said however that she would support this ordinance for the purposes outlined by Chair Quam. She encouraged residents to come forward over the coming months to discuss their issues and find ways to get relief for their parking problems. The Commissioner recommended better use of City Hall property for public parking and restroom facilities.

Commissioner Woodland recognized that it was important to the City that the Commissioners vote on this Ordinance at this evening’s meeting. He noted that Commissioners receive more calls and letters on the parking issue than any other and recommended swift follow up by the Commission on the parking plan. He concluded by saying that he would support this Ordinance as written.

Mayor SueLynn said that she had received requests from Iris and Holly area residents reading “Slow – Children Are Playing” to be placed 150 ft. from the

intersection of Iris and Holly. Chair John Quam confirmed with City Attorney Dye that such a sign did not need to be listed in the ordinance to be legally posted.

MOTION: Deputy Commission Chair Linda Cramer moved to adopt Ordinance #05-630, Traffic Regulation Ordinance, seconded by Commissioner Duke Miller.

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

Public Comment

Relative to Page Four, Section Four, Jim Conoly noted that 'no trucks' would be posted on two streets. He recalled that at a Commission Workshop he had asked for the north end of North Bay from North Shore down to the Rod 'n' Reel to be posted 'no trucks' Mr. Conoly explained that trucks that miss the turning or are unable to park are creating an unsafe situation by continuing up North Shore and turning around in residents' yards. He recommended routing Rod 'n' Reel service trucks to turn at Alamanda and follow it to the end. Commission Chair John Quam indicated that a study of the three streets servicing the Rod 'n' Reel Pier is needed. City Attorney Jim Dye explained that the Ordinance is not about signs, it is about the regulation of traffic on streets. The City Attorney indicated that the topic Mr. Conoly raised would be a good one for inclusion in the first amendment of the Ordinance, and Chair Quam confirmed

Len Horne of 714 North Shore said that he objected to having no parking in front of his home. He said that he needed this area for his personal parking, and the Commissioners confirmed to him that this Ordinance would not change his current parking arrangements.

Betty Yanger of 112 Park said that she would like to be able to obtain a sign by the same criteria under which the previously undocumented 'no parking' signs had been approved.

A thirty-year resident of 716 North Shore Drive said that the letter she received on January 19th had told her that 'no parking' signs would be put up on her street, and Chair Quam clarified that this had been a previous proposal, but that this would no longer be the case. Commissioner Carol Ann Magill pointed out that the area indicated on the January 19th letter was indeed going to be considered for 'no parking' at some future date, and advised residents to keep aware of the ongoing developments in the City's parking plan.

Bill Cunningham of 802 Fern Street said that the present distribution of beach parking areas was unequitable and that he saw the Ordinance as a plan by default. He voiced a concern that once the Ordinance is adopted, the Commission would be unwilling to re-address the longstanding issue. Mr. Cunningham said that he

thought the City would be hard pressed to defend the current ‘no parking’ signage in court. He said he was after neither an open nor prohibitive parking policy, simply one that would be balanced and fair.

Gordon Allen Wallace of 802 Jacaranda expressed surprise that personally requested signs put up by other residents on his street were now law. He also wanted assurance that he would be able to obtain such a sign in front of his property if he so wished.

Deputy Commission Chair Linda Cramer requested that on the February 10th Work Session Agenda an item be included for discussion of future parking plans and suggestions for relief. The Commissioner confirmed to Chair Quam that she would be willing to serve as spokesperson for the topic.

9. SECOND READING OF ORDINANCE #05-629 – Conveyance of the Belle Haven Cottage by Bill of Sale to the Anna Maria Historical Society

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

Commissioner Cramer explained that Building Official Kevin Donohue had identified the fact that the Belle Haven cottage did not meet with FEMA requirements.

Mayor SueLynn distributed copies of a report on City property insurance, which was read by Deputy Commission Chair Linda Cramer. Commissioner Cramer noted that Building Official Kevin Donohue, Public Works Director George McKay and the Mayor were working on the variance procedure for repairs as well as the conveyance for flood insurance purposes. She said that she hoped that everything would be accomplished in time to allow a few weeks for clean up of the site prior to the Heritage Festival.

Mayor SueLynn explained in response to questions posed by Commissioners Magill and Woodland that the City would lose CRS points if it owned property that was not eligible for flood insurance. She noted that a private owner could obtain a variance from the Commission to allow the property to remain un-elevated and not flood proofed. The Mayor said that she did not think it was in the City’s best interests to continue to spend its resources and time on Belle Haven cottage.

Commissioner Carol Ann Magill requested that in the future it would be beneficial to provide the Commissioners with more detailed information regarding the specific benefits to the community of such an Ordinance well prior to its being discussed.

(continued)

MOTION: Deputy Commissioner Linda Cramer moved to adopt Ordinance #05629 and to authorize the Mayor to execute the conveyance documents, seconded by Commissioner Duke Miller.

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

Public Comment

Resident Georgia Van Cleave received confirmation from Carolyn Norwood and Deputy Commission Chair Linda Cramer that the other historic properties were not considered buildings and thus did not require coverage by flood insurance.

Carolyn Norwood, Executive Director of the Historical Society thanked the Commission for its effort and read a letter she had written to the City urging the Commission to expedite approval of the variance and permit process for the important upcoming Heritage Days Festival.

Resident Diane Canniff objected the City’s rushing through the Commission every issue related to Belle Haven. She asked why it once had been important to the City to be the owner of this property and why things had now changed, noting that a great deal of City time and money had so far been spent on the cottage. She noted that the county and FEMA were currently discussing issues related to historical buildings.

MOTION: Deputy Commission Chair Linda Cramer moved to extend the meeting to finish the current topic, followed by a seven-minute break and completion of the agenda. The motion was seconded by Commission Chair John Quam.

Vote: Four Ayes, One Nay. Motion carried.

10. CONTRACTING FOR SERVICES IN LIEU OF FILLING THE OPEN POSITION IN PUBLIC WORKS (Change Line Items)

Mayor SueLynn noted that the Commission had reviewed this issue at the January 13th Work Session. She then distributed to the Commissioners copies of a document showing the line items and amounts needing to be transferred. The Mayor said that the amount had been adjusted from the approximately \$32,000 previously discussed, to reflect the removal of a month’s salary and benefits, as well as Workman’s Compensation premiums.

Commissioners Miller and Cramer received confirmation from the Mayor that the amounts for services would be broken down and possibly awarded to several contractors, and as such, each contract would be for far less than the \$25,000 threshold requiring the City to solicit RFP’s. The Mayor described a current plan

to use two different contractors, as well as City Public Works staff. She said the Public Works staff would be responsible for maintaining properties such as the City Pier parking lot and beach accesses.

Commissioner Carol Ann Magill expressed concern that the hourly cost of contracting could be excessively high. She indicated that she thought a City employed Public Works employee would be less costly and more effective than a contractor that charges approximately \$35 per hour. Chair John Quam noted that the \$35 per hour covered the labor of more than one person during that hour.

Commissioner Duke Miller said that this Commission had agreed to take this individual's salary to take care of several items. He echoed Mayor SueLynn's statement that the issue is administrative in nature and said that it is the responsibility of the Public Works Director and the Mayor to best deal with the situation. Commissioner Miller recommended at least trying the proposed outsourcing for a year.

MOTION: Commissioner Dale Woodland moved to make the Line Item transfers in the amount of \$26,211.99 as outlined in the City staff worksheets for contract labor in lieu of filling an open position in the Anna Maria Public Works Department. The motion was seconded by Commissioner Duke Miller.

Vote: Four Ayes, One Nay. Motion carried.

11. **OVERPAYMENT OF PREVIOUS MAYOR (At the January 13th Commission Work Session, there was a consensus to forego any further action to collect the overpayment. To uphold the current policy, a formal vote is requested and a written policy should be established.)**

MOTION: Deputy Commission Chair Linda Cramer moved, per the City Auditor's recommendation, to formally forgive the debt and to forego further action to collect the overpayment to the previous mayor Deffenbaugh. The motion was seconded by Commissioner Duke Miller.

Vote: Four Ayes, One Nay. Motion carried.

Mayor SueLynn distributed copies of her written policy regarding payments to elected officials.

Commissioner Carol Ann Magill said that she would vote 'Nay' because the other people that were overpaid had already reimbursed the City.

City Attorney Jim Dye confirmed to Commission Chair John Quam that he would check into the procedure for adopting the Mayor's policy, and indicated that this would most likely be done by ordinance.

12. FIRST READING OF ORDINANCE #05-632 PILING INSTALLATION REGULATIONS FOR NEW STRUCTURE CONSTRUCTION

Deputy Commission Chair Linda Cramer read the Ordinance by title.

Commissioner Woodland asked Chair Quam why the Ordinance did not prohibit pile driving altogether. The City Attorney responded that it had been discovered that pile driving was authorized by the Florida Building Code and therefore it was necessary to allow it. **There was consensus, at the City Attorney's request, to put this topic on the February 10th Work Session Agenda.**

PUBLIC COMMENT

Resident Jim Conoly asked if there was any action under way for better chairs for the Commissioners. He asked when the parking any handicapped spaces would be completed at City Hall. Mayor SueLynn responded that estimates were currently being obtained for the work. Deputy Commissioner Linda Cramer confirmed that the Mayor would pursue the estimate from Blue Heron regarding the end of South Bay Boulevard.

PRESS COMMENT

None offered.

ADJOURNMENT

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

Vote: All Ayes. Motion carried.

The meeting adjourned at 10:43 p.m.

Respectfully submitted,

Alice Baird
City Clerk

February 24, 2005
Date