

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, JUNE 26, 2008
7:00 P.M.**

CALL TO ORDER

Commission Chair Quam called the Meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Duke Miller.

Absent w/excuse: Commissioner Jo Ann Mattick.

Staff present: City Clerk Alice Baird, Deputy City Clerk/Finance Director Diane Percycoe, Public Works Director George McKay, City Attorney Jim Dye, Sergeant John Kenney, and Minutes Clerk Stacey Johnston.

Press present: Sun and Island.

1. Approve May 29, 2008 City Commission Meeting Minutes.

MOTION: Commissioner Woodland moved that the May 29, 2008 City Commission Meeting Minutes be approved as amended. Commissioner Tollette seconded the motion.
Motion carried – All Aye.

2. Commission Reports

Community Center Report

Commissioner Tollette reported she recently attended the Community Center Board meeting. The Community Center has been increasing their revenues and is still in need of volunteers.

3. Mayor's Report

Port Dolphin Pipeline

Mayor Barford said she attended the Board of County Commissioner's meeting at Port Manatee on Thursday, June 16 regarding the Port Dolphin Pipeline. At the meeting, she was informed that the Port Dolphin Pipeline would be relocated from its original location.

Update - Gulf Drive Water Line Replacement

Mayor Barford informed that work would be performed until late that evening on the Gulf Drive project. Only one lane will be open.

Humpback Bridge

A portion of the topping surface has crumbled on the Humpback Bridge. The contractor has been asked to assess the issue. *Mayor Barford* said she would report back on how the issue would be resolved. The Crescent Bridge will also be assessed.

City Hall – 4-Day Work Week

Mayor Barford announced that the City has recently been in the TV and newspaper media relating to their decision that the employees may work a 4-day / 10-hour per day workweek. The 4-day workweek for employees will begin Wednesday, July 2, 2008.

Fireworks Management

A news conference was held earlier that day relating to the fireworks management on the Island. Longboat Key was also involved.

Sergeant John Kenney addressed the Commission on behalf of the Fireworks Taskforce for the four Island cities. The taskforce was formed to address firework safety for July 4.

Sergeant Kenney informed that in the past they have been unable to even take their ATV's out on the beach on July 4 due to the number of persons in attendance for the fireworks display. However, this year Sandbar owner Ed Chiles had agreed to cancel the July 4 Fireworks Display at the Sandbar location.

The Sheriff's office has authorized additional overtime positions and an operation plan will be implemented to educate and confiscate any illegal fireworks. The Bomb Squad would be collecting all confiscated fireworks.

Mayor Barford reported that the Taskforce had been meeting since September 2007 and there is a huge educational component to the issue that has been relayed in utility bills, all rentals have been notified, etc.

Mayor Barford said Mr. Chiles would be able to apply for a permit request for the Fireworks Display next year.

4. City Charter Referendum – Supermajority Vote on the Land Use Element of the Comprehensive Plan.

Second Reading and Public Hearing of Ordinance No. 08-688.

City Clerk Baird read the Ordinance by title.

Chair Quam officially opened the Public Hearing for the purpose of hearing public comment.

Chair Quam presented the following recommended language change to the ballot question in an attempt to help clarify it:

“Shall the City of Anna Maria Charter be amended by establishing a requirement that any amendment to the Future Land Use Element of the Comprehensive Plan shall be adopted by an affirmative supermajority vote (4 or more of the Commissioners) as described in Ordinance No. 08-688.”

Both *Commissioners Miller* and *Woodland* agreed with the recommended language change and felt the question would be much clearer.

Tom Turner, N. Shore Dr., suggested that if the Commission were to drop to a three-person board (rather than the current five) or to increase to a seven-person board - then the statement of "4 or more of the Commissioner's" in the ballot question would have no bearing. He said he saw no need for that language to be a part of the ballot question.

Commissioner Woodland responded that there would be five Commissioners' during the November 4, 2008 election, so though he understood Mr. Turner's comment; he felt it should stay as is. *Commissioner Miller* agreed.

Hearing no further public comment, *Chair Quam* officially closed the Public Hearing.

MOTION: Commissioner Miller moved to adopt Ordinance No. 08-688 as amended. Commissioner Woodland seconded the motion.

ACTION: On Roll Call vote – the motion carried on a vote of 3 to 1.
Commissioner Woodland – Aye
Chair Quam – Aye
Commissioner Tollette – No
Commissioner Miller – Aye

5. **City Charter Referendum – Changes Proposed by Charter Review Committee (font formatting and periods added, plus elimination of transition language) and Sec. 1.04 Adding Disbursement of Funds. Second Reading and Public Hearing of Ordinance No. 08-689.**
City Clerk Baird read the Ordinance by title.

Chair Quam officially opened the Public Hearing for the purpose of hearing public comment.

Commissioner Woodland addressed Section 2. Approval of the Ballot Question, and suggested it may need clarified.

After discussion, and with the recommendation by City Attorney, it was agreed to change the Ballot Question to add a comma between

...City Staff, which recommendation...

Hearing no further public comment, *Chair Quam* officially closed the Public Hearing.

MOTION: Commissioner Woodland moved to adopt Ordinance No. 08-689 as amended. Commissioner Tollette seconded the motion.

ACTION: On Roll Call vote – the motion carried unanimously.

6. Change Order Number Two for Phase 1 Stormwater Project (Drainage Improvements Bid No. 07-04 – Project W226 – Reduction of \$188,374.02).

Finance Director/Deputy City Clerk Percycoe presented Change Order Number Two prepared by City Engineer Tom Wilcox. She explained that the Change Order reflects the changes in the redesign and shows an adjustment of a reduction of \$188,374.02. The Change Order only involves the construction portion of the project. The adjusted contract amount with contingency is \$372,957.85.

Ms. Percycoe informed that the Change Order had been sent to Adkins Contracting, Inc. City Engineer Wilcox has been notified that Mr. Adkins has been checking the prices to see if it is in line with the products needed, labor costs, etc.

The Notice to Proceed was given on June 19, 2008 and the City is currently waiting on Mr. Adkins to sign the Change Order Number Two. A deadline has been given, however, in the event that Mr. Adkins does not sign the Change Order by the deadline, the City is requesting approval for the Mayor to execute the Change Order and send it on to Mr. Adkins. If Mr. Adkins does not agree or sign the Change Order, he would then be in default of the contract.

Explanation of the spreadsheet presented by Ms. Percycoe followed. She also noted that the timeline to commence construction has been changed to 12-31-11.

Ms. Percycoe informed that an additional Change Order might be forthcoming according to Mr. Wilcox after Mr. Adkins has checked all the products and labor costs, etc. However, the amount provided for in the grant (\$764,600) will not be exceeded. There may even be a reduction of approximately \$150,000 if everything goes as planned. The amount of the total project cost will be funded 50% by the grant.

**MOTION: Commissioner Miller moved to approve Change Order Number Two for Phase 1 Stormwater Project (Drainage Improvements Bid No. 07-04 - Project W226). Commissioner Woodland seconded the motion.
Motion carried – All Aye.**

**MOTION: Commissioner Miller moved to authorize the Mayor to execute Change Order Number Two for Phase 1 Stormwater Project (Drainage Improvements Bid No. 07-04 – Project W226). Commissioner Tollette seconded the motion.
Motion carried – All Aye.**

7. Nomination of Diane Percycoe for Florida League of Cities Financial Official of the Year Award.

Mayor Barford said though she could nominate any member of her staff, when she was looking at the opportunity to nominate someone for the Florida League of Cities Award she wanted to nominate Finance Director/Deputy City Clerk Percycoe this year.

Mayor Barford asked that the Commission be sure and read Ms. Percycoe's bio and application.

MOTION: Commissioner Tollette moved to nominate Diane Percycoe for the Florida League of Cities Financial Official of the Year Award. Commissioner Woodland seconded the motion. Motion carried – All Aye.

Following the official nomination, *Mayor Barford* presented Finance Director/Deputy City Clerk Percycoe with a dozen red roses.

Ms. Percycoe thanked the Mayor for the nomination and said she felt so honored and happy to work for the City of Anna Maria.

8. Request for Establishment of EEEEC Official Status Via Resolution or Ordinance.

EEEC Chair Tim Eiseler felt that the background of the EEEEC shows a proven track record of the things accomplished in the community. To plan for the sustainability of the committee, even after current members are no longer involved, the committee requests that a Resolution be adopted to establish the EEEEC official status.

Chair Quam noted that a mission statement was established in 2002 relating to the EEEEC.

Mayor Barford commended the EEEEC members for the work they do and felt they were a significant advisory body to the City. She asked for a legal opinion relating to the EEEEC serving as an advisory committee and also asked for the intent of the EEEEC being an oversight committee for building and development and how they would function.

City Attorney Dye explained that the P&Z and CEB were both established by Ordinance and their duties, under certain guidelines, are to make final decisions. The EEEEC, on the other hand, would only serve as a recommending/advisory body mostly on issues of policy versus individual projects. He felt a Resolution would be the appropriate way to describe the duties of the committee and their scope of work. An Ordinance would not be required since they would not be making a final decision binding a person or binding a property.

Examples of how the EEEEC would serve as an advisory committee followed by City Attorney Dye.

Commissioner Tollette suggested that the EEEEC be involved with the beach access program – to assist in formalizing a plan for the adoption of the beach accesses.

Chair Quam suggested that the following changes be made to the draft Resolution:

- The mayor may ~~neminate~~ appoint members to the committee as the need arises.
- That the Resolution reads that the Environmental Enhancement and Education Committee shall meet at least once each month **OR** read that they shall meet a minimum of ten times per year.

ACTION: It was the consensus of the Commission to authorize City Attorney Dye to draft a Resolution for consideration at the July 24, 2008 Commission meeting.

9. Participation in Meetings, of Absent Commission Member, Via Speakerphone.

Commissioner Miller said City Attorney Dye had answered his questions relating to this request and did not see the need to pursue it any further. He stated that City Clerk Baird did a great job of keeping him informed during his absence. He said he would provide input as he saw fit during his upcoming absence.

Commissioner Woodland said there is the future potential for video conferencing.

Commissioner Tollette stated that USF/Manatee Sarasota would begin holding video classes this winter. She suggested if the technology is going to be available on the Island, the City might want to also pursue it.

10. CONSENT AGENDA

- a. **Appoint Mike Selby & Diana Milesko to Code Enforcement Board as Alternate Board Members.**
- a. ***Special Event:* Anna Maria Privateers July 4 Parade - 8:00 a.m. to 12:00 p.m.**

MOTION: Commissioner Miller moved to approve the Consent Agenda. Commissioner Woodland seconded the motion.
Motion carried – All Aye

11. **REPORTS AND UPDATES.**
- b. **Sheriff's Report (Written)**
 - c. **Building Department Report (Written)**
 - a. **Public Works Department Report (Written)**
 - b. **Code Enforcement Report (Written)**
 - c. **City Pier Report (Written)**
 - d. **Ordinance Update (Written)**
 - e. **Resolution Update (Written)**
 - f. **Financial Report (Written)**
 - g. **Line of Credit Report (Written)**

ADDITIONAL BUSINESS

Upcoming Port Manatee Tour

Mayor Barford announced that as a result of the recent BIEO meeting at Port Manatee, County Commissioner Whitmore would be providing a public tour of Port Manatee on July 16, 2008 at 4:00 p.m. Anyone wishing to attend will need to contact Ann Marie at the City of Anna Maria.

Ad Valorem Taxes

Commissioner Miller asked for clarification relating to the financial report – Ad Valorem taxes at 98.2% of the total budget. He asked if any additional Ad Valorem taxes would be received this year.

Finance Director/Deputy City Clerk Percycoe said the last receipts received were in June 2008 and she is hoping another deposit will be received.

Fertilizer Ordinance

Chair Quam asked if the Commission wished to pursue a Fertilizer Ordinance.

Commissioner Tollette said she would like to see it pursued and felt it goes along with the stormwater drainage improvements.

Commissioner Woodland voiced concern due to the number of requirements placed on the homeowners and contractors. He said he was not in any hurry to address the issue and suggested the EEEEC Committee be involved.

Mayor Barford agreed that the EEEEC be involved. She said she would contact EEEEC Chair Eiseler. The EEEEC could then present the Commission with a recommendation on how to proceed.

PUBLIC COMMENT –

Mark Alonzo, 406 N. Shore Dr., said he wanted to address Commissioner Miller's previous concern relating to the Humpback and Crescent bridges. He said after looking into the concern, the bridges are perfect and felt they would both survive a hurricane.

Mr. Alonzo then commented on Commissioner Miller's prior concern relating to the Trolley being used often by children and their being dropped off at the Bean Point location due to having a history of drowning at that location. Mr. Alonzo stated he had brought up the issue at the recent BIEO meeting he attended.

Mr. Alonzo said he would address Commissioner Tollette's concerns at the next meeting.

Robin Wall, 112 Palmetto, asked if Section 2 of Ordinance No. 08-688 would stay the same. She asked City Attorney Dye if he felt the amended ballot question language was clear and that it would not be in conflict with the Section 2.

City Attorney Dye stated that the two sections were independent and felt they were clear and that there would be no conflicts.

PRESS COMMENT – None

ADJOURNMENT

On motion made by Commissioner Miller and seconded by Commissioner Woodland the meeting was adjourned at 8:03 p.m. Motion carried unanimously.

The next regular meeting is scheduled for Thursday July 24, 2008.

Alice Baird, CMC, City Clerk

Minutes approved: _____