



CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216

Phone (941) 708-6130 Fax (941) 708-6134

AGENDA SEPTEMBER 22, 2022 IMMEDIATELY FOLLOWING THE BUDGET MEETING CITY COMMISSION REGULAR MEETING

THIS COMMISSION MEETING IS BEING HELD USING OPTIONAL TELECOMMUNICATIONS MEDIA TECHNOLOGY.

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United States: +1 (929) 205-6099

Meeting ID: 853-9200-0280

***OUT OF COURTESY TO OTHERS, PLEASE MUTE YOUR PHONE WHEN NOT SPEAKING*
IF YOU WISH TO MAKE A PUBLIC COMMENT, PRESS *9 ON YOUR PHONE**

Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL

REGULAR MEETING

General Public Comment regarding non-agenda items and items not scheduled for future agendas will be taken at the beginning of the meeting with a limitation of three minutes. The Commission's intent is that General Public comment is to be used for the public to inform the Commission of new issues within the City. Public Comment regarding agenda items will be taken with each agenda item with a limitation of three minutes.

1. General Public Comment
2. Legislative Priorities – Mayor
3. Ordinance 22-907 Ban Smoking on the Beach – (First Reading) - Vose
4. Mayor's Comments
5. Commissioners' Comments
6. City Attorney's Comments
7. Staff Comments

8. **CONSENT AGENDA:** The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.
 - a. Meeting Minute Approval: Regular Meeting: 9/8/2022, Special Meeting: 9/12/2022 and Budget Meeting: 9/8/2022

Press Comment

Adjournment

 (FSS 286.26) IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING (941) 708-6130. SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS BE MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ORDINANCE 2022-907

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, ADOPTING CHANGES TO SEC. 38-29, AND RENAMING SUCH SECTION TO “FIRES; SMOKING MATERIALS; SMOKING AT PARKS AND BEACHES PROHIBITED EXCEPT FOR UNFILTERED CIGARS”, OF ARTICLE II, “USE REGULATIONS”, OF CHAPTER 38, “PARKS AND RECREATION”, OF THE *CODE OF ORDINANCES OF THE CITY OF ANNA MARIA*; PROHIBITING SMOKING, EXCEPT FOR UNFILTERED CIGARS, AT PUBLIC BEACHES AND PUBLIC PARKS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Anna Maria to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 386.209, *Florida Statutes*, (2022) permits the City of Anna Maria to adopt and enforce restrictions as to smoking within the boundaries of any public beaches and public parks that the city owns, except that the city may not further restrict the smoking of unfiltered cigars; and to further restrict smoking within the boundaries of public beaches and public parks that are within the city’s jurisdiction but are owned by Manatee County, unless such restriction conflicts with a county ordinance, except that the city may not further restrict the smoking of unfiltered cigars; and

WHEREAS, the City Commission of the City of Anna Maria desires to prohibit smoking on the public beaches and in public parks in the city’s jurisdiction; and

WHEREAS, the City Commission of the City of Anna Maria finds that the provisions of this ordinance are in the best interest of the citizens of and visitors to the City of Anna Maria, and that such restrictions are necessary for the health, safety and welfare of the citizens of and visitors to the City of Anna Maria.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA THAT:

SECTION ONE: The City Commission of the City of Anna Maria, Florida, hereby adopts changes to Sec. 38-29, and renames such section to “Fires; smoking materials; smoking at parks and beaches prohibited except for unfiltered cigars”, of Article II, “Use Regulations”, of Chapter 38, “Parks and Recreation”, of the *Code of Ordinances of the City of Anna Maria* to read as follows:

CHAPTER 38. Parks and Recreation

Article II. Use Regulations

Sec. 38-29. Fires; smoking materials; smoking at parks and beaches prohibited except for unfiltered cigars.

- (a) No person shall build or attempt to build a fire on any beaches or on any coastal barrier sand dunes located within the city limits, except that nothing contained in this section shall prohibit the owner or person in possession of private property from building or attempting to build cooking fires in portable barbecue grills or built-in barbecue pits.
- (b) No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper or other inflammable material on any public parks, public beaches or on any coastal barrier sand dunes located within the city limits.
- (c) Pursuant to Florida Statutes, Sec. 386.209, smoking (other than unfiltered cigars) is prohibited and unlawful within the boundaries of any public park or public beach within the city. The city commission shall adopt by resolution a complete listing of all public parks and public beaches within the city that are subject to this provision. A violation of this provision may be enforced by citation by any law enforcement officer or by any code enforcement officer. Fines applicable to citations under this section shall be as set by resolution of the city commission. In addition, the city may enforce this prohibition by any lawful means available to the city under the controlling provisions of State law and Section 1-12 of the Code of Ordinances of the City of Anna Maria, Florida.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida,
in regular session assembled, this _____ day of _____, 2022.

Carol Carter, Commissioner
Jonathan Crane, Commissioner
Doris Sebring, Commissioner
Mark Short, Commissioner
Robert Kingan, Commissioner

Carol Carter, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2022

ATTEST:

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only

LeAnne Addy, City Clerk

Gretchen R. H. "Becky" Vose
City Attorney



**MINUTES
CITY COMMISSION MEETING
TENTATIVE MILLAGE/TENTATIVE BUDGET 2022/2023
SEPTEMBER 8, 2022 AT 5:30 P.M.**

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CALL TO ORDER

Meeting called to order by Chair Carter at 5:30 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Mayor Dan Murphy, Chair Carol Carter, Commissioner Mark Short, Commissioner Robert Kingan, Commissioner Jonathan Crane, and Commissioner Deanie Sebring.

Others Present: City Clerk/Treasurer LeAnne Addy, Senior Administrative Assistant Kristin Olsen, City Attorney Becky Vose via Zoom, AMI Sun, and Islander newspaper.

1. Open 2022/2023 Budget Public Hearing

Chair Carter stated that this is an open public hearing and that it's the first of two meetings.

2. Discuss proposed tentative budget's percentage increase in millage over rolled-back rate to fund budget (if any), and specific purposes for which Ad Valorem taxes are being increased/decreased

Chair Carter stated that the roll back rate is 1.736 and the tentative millage rate is 2.0500 which is an increase of 18.09%.

3. Open Public Comment

Commissioner Short stated that as discussed in prior meetings, we have all faced inflation, it is hard to get people to bid on contracts, and the 18% difference from the roll back rate; therefore, keeping the millage the same is good to keep the city in a good financial position.

The consensus of the Commissioners is to keep the millage rate at 2.0500.

4. Close Public Comment

No public comment.

5. Amend tentative budget, if necessary

6. Recompute tentative millage – announce percent millage exceeds (if any) the rolled-back rate. If millage exceeds the rolled back rate, this is characterized as the percentage increase in property taxes

7. Adopting tentative millage

Motion: To adopt the tentative millage rate of 2.0500.

Action: Motion by Commissioner Kingan, seconded by Commissioner Crane.
On roll call vote, the motion passed unanimously.

8. ADOPTING TENTATIVE BUDGET

Motion: To adopt the tentative budget of \$11,417,850 with \$2,250,329 additional as reserves.

Action: Motion by Commissioner Crane, seconded by Commissioner Short.

On roll call vote, the motion passed unanimously.

9. Ordinance 22-903 Adopting the Budget for FY 2022/2023 and receipt and collection of Ad Valorem Taxes
(First Reading)

City Attorney Becky Vose read the title of Ordinance 22-903 Adopting the Budget for FY 2022/2023 and receipt and collection of Ad Valorem Taxes. This is the first reading.

10. Announcement of final millage and budget hearing date (September 22, 2022 at 5:30 p.m.)

11. ADJOURNMENT

Meeting adjourned by Chair Carter at 5:39 p.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer



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CALL TO ORDER

Meeting called to order by Chair Carter at 5:40 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Mayor Dan Murphy, Chair Carol Carter, Commissioner Mark Short, Commissioner Robert Kingan, Commissioner Jonathan Crane, and Commissioner Deanie Sebring.

Others Present: City Clerk/Treasurer LeAnne Addy, Senior Administrative Assistant Kristin Olsen, City Attorney Becky Vose, and Islander newspaper.

REGULAR MEETING

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1. General Public Comment

Commissioner Kingan would like to state that her Majesty the Queen has passed away today. He grew up in the UK and feels she embodied what it really meant to lead with grace and dedication, and we wish her soul well. He also wishes King Charles the best.

2. Interlocal Agreement for Water Taxi – Mayor

Mayor Murphy stated that we discussed this agreement a couple of weeks ago and we have successfully captured all of your input. If not, he would need to know tonight. This does not require a vote tonight as it will go back to the County for their input. We, meaning myself and the Commissioners, strongly believe that this should be focused on service workers.

The consensus of the *Commissioners* stated that their suggestions appear to be incorporated and to move forward.

3. Resolution R22-781 - Parking for Island Players – Mayor

City Attorney Becky Vose read the title of Resolution R22-781 - Parking for Island Players. To have reserve parking for Island Players staff on Sundays.

Mayor Murphy stated that we will give them a sign for their windshield with our logo so they can park in our staff parking lot on Sundays. There will also be removeable signs that will be placed on selective Sundays.

Sylvia Marnie, President of the Island Players stated the parking has been getting bad and several of the staff were ticketed. She stated that it would be 12 Sundays throughout the year, and she appreciates the resolution.

Motion: To adopt Resolution R22-781 - Parking for Island Players

Action: Motion by Commissioner Sebring, seconded by Commissioner Crane.
On roll call vote, the motion was passed unanimously.

4. Easement Agreement for Sidewalks on Pine Avenue – Mayor

Mayor Murphy stated that these 5 properties listed were all formerly PAR properties. He stated that this covers all of Pine Avenue. They are all governed by a condominium association and Michael Coleman signed off on all of them.

Commissioner Kingan is very pleased to see that this has been done.

Motion: To adopt Easement Agreement for Sidewalks on Pine Avenue

Action: Motion by Commissioner Kingan, seconded by Commissioner Sebring.
On roll call vote, the motion was passed unanimously.

5. Parking Ticket Collections – Mayor

Mayor Murphy stated that the parking ticket is a \$50 fine, and we are the cheapest on the island and we have a late fee of \$15.00 if it is not paid within 5 days. If the ticket is not paid, we send out a letter stating that they now owe \$65.00. We looked at collection agencies to collect but they don't want the low \$65 debt. In order to change the outcome, he proposed that after 60 days we increase it by another \$85.00 and then send it to a collection agency, if still left unpaid. What has happened with the collection of the parking tickets, the uncollectables increased from 7-8% in the past to a current 20%. He stated that he feels that the word is getting around that in Anna Maria there's no need to pay unless you get three tickets. This will now change all of that as they would go to a collection agency for collections and get a mark on their credit report. He stated the next step would be to get bids from collection agencies and the percentages range from 30% to 60%. The amount will not be printed on the tickets initially. The letter will state that this is due and if it isn't paid by this date, it will increase.

Commissioner Kingan feels 30 days would be better than 60 days.

Commissioner Crane agrees with Commissioner Kingan for 30 days. He would like to see the 5 days moved to 7 days.

Commissioner Short stated that 60 days is too long and agrees with the others on 30 days.

a. Resolution R22-782 – Increasing Late Fee for Parking Citations - Vose

City Attorney Vose read the title to Resolution R22-782 – Increasing Late Fee for Parking Citations.

Motion: To adopt Resolution R22-782 – Increasing Late Fee for Parking Citations with the change in Section 2 to be changed from 60 days to 30 days.

Action: Motion by Commissioner Short, seconded by Commissioner Crane.
On roll call vote, the motion was passed unanimously.

6. Mayor's Comments

Mayor Murphy stated that next week is the BIEO meeting and on the agenda for Elected Officials is a presentation by Wade Vose on county charter government. He stated that he is inviting all of you to attend as well as the City of Bradenton Mayor and City of Palmetto Mayor, and others.

Commissioner Short stated that Attorney Wade Vose did a Zoom presentation on this a couple of years ago and there was a lot of participation and almost everyone there were strongly against the County Charter Government.

Mayor Murphy stated he wanted to bring up the Old Soldiers and Sailors Veterans Day Parade which is on the consent agenda.

7. Commissioners' Comments

Chair Carter wanted to wish LeAnne a "Happy Birthday" as it is her birthday today.

8. City Attorney's Comments

None.

9. Staff Comments

LeAnne Addy, City Clerk Treasurer went over the upcoming meeting dates.

Mayor Murphy stated that our Engineer had a family emergency so we may need to cancel our meeting on Monday regarding Pine Avenue.

10. **CONSENT AGENDA: The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.**

- a. Meeting Minute Approval: Regular Meeting: 8/25/2022 and Budget Meeting: 8/25/2022
- b. Vintage Flea Special Event Permit - Sunday, November 20, 2022 – 8am-4pm
- c. Old Soldiers and Sailors Veterans Day Parade and Ceremony Special Event Permit – Friday, November 11, 2022 – 12pm-3pm

Motion: Approve Consent Agenda

Action: Motion by Commissioner Kingan, Seconded by Commissioner Short.

On Roll-Call Vote: Motion passed unanimously

Press Comment


None.

Adjournment

Meeting adjourned by Chair Carter at 6:24 p.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer

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MINUTES SEPTEMBER 12, 2022 AT 2:00 P.M. CITY COMMISSION SPECIAL MEETING

THIS COMMISSION MEETING IS BEING HELD USING OPTIONAL TELECOMMUNICATIONS MEDIA TECHNOLOGY.

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United States: +1 (929) 205-6099

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Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

Meeting called to order by Chair Carter at 2:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Mayor Dan Murphy, Chair Carol Carter, Commissioner Mark Short, Commissioner Robert Kingan, Commissioner Jonathan Crane, and Commissioner Deanie Sebring.

Others Present: City Clerk/Treasurer LeAnne Addy, Senior Administrative Assistant Kristin Olsen, Code Enforcement Manager Sandy Olson, City Planner Ashley Austin, AMI Sun, and Islander newspaper via Zoom.

REGULAR MEETING

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1. General Public Comment

Mayor Murphy introduced in person, Ashley Austin, our new City Planner who came right from Texas.

2. Pine Avenue Roundabout Discussion

Mayor Murphy introduced Mr. Mark Adler who is the Senior Vice President from George F Young since our current engineer is out with a family emergency. He stated that we asked Gerry to come back to us with a plan for a roundabout. Mr. Adler will discuss what it will accommodate for us.

Mr. Mark Adler from George F. Young is here in the place of Gerry Traverso. Gerry designed this plan on a particular vehicle, WB 40 truck, and they simulated the truck turning movements through the roundabout. The drawing of the roundabout plan is displayed, and this is one that would not require any additional land. He stated that this plan avoids the gazebo, it includes a trolley station, and the city does not have to take any right-a-way. He stated that all the pavement would be used by the WB 40 truck.

Mayor Murphy stated that this design would not accommodate an 18-wheeler truck.

Commissioner Sebring stated that the trash trucks can't go around her cul-de-sac and the landscape trucks with long trailers can't either. The vehicles that she witnesses have to back up multiple times and often go in the shell area. She doesn't think there is enough space.

Mr. Adler stated the distant from the edge of the paver to the edge is 24 ft. with a 5 ft. apron.

Commissioner Crane asked what speed we would look for a vehicle to take this roundabout.

Mr. Adler stated the speed would be less than 25 mph.

Commissioner Short stated that this is designed for a 40 ft. truck but not an 18-wheeler. He asked how much bigger the roundabout would have to be for an 18-wheeler to make it through.

Mayor Murphy asked if this is really what we want to do? He stated that it will not accommodate the bigger trucks, double trailers, etc.

Commissioner Short asked if we could eliminate certain size vehicles on some roads in our city.

Mayor Murphy stated that he would have to check with the City Attorney.

Commissioner Sebring stated that the one person that was at a previous meeting wanted to get the bigger vehicles off of Magnolia and Spring.

Commissioner Kingan stated that he is not a fan of partial solutions; if we can't solve the problem, then why come up with a big urban solution. The intersection works well so he feels that we shouldn't go forward with this roundabout.

Commissioner Sebring stated that several people that came over to her house were totally against the roundabout.

Chair Carter agrees that she doesn't feel that the roundabout will work.

Mayor Murphy stated that they brought us a solution, but his recommendation would be to walk away from this.

Commissioner Crane asked what the cost was for this.

Mr. Adler stated the cost estimated was \$175,000-\$225,000.

Public Comment:

Alan Ward who resides at 412 Poinsettia Road stated that nobody mentioned anything about public safety. He thinks it is possible. He started to talk to the truckers. He also suggested to move the fence at City Pier Park to get it to fit.

Commissioner Short asked how the vehicles make it through the roundabout in Bradenton Beach.

Mayor Murphy stated that they smashed the curb as well as marked up the curb.

Mr. Adler stated that there are pedestrian crossings, but roundabouts do increase the risk of public safety.

Commissioner Kingan stated that safety wise, he doesn't feel that it is a good solution.

Commissioner Short stated that he was disappointed because if we move forward with this that we would create the opportunity to have the trolley use the roundabout and this would open several parking spots at the pier.

Motion: To not move forward with the roundabout for the Pine Avenue Corridor.

Action: Motion by Commissioner Kingan, seconded by Commissioner Crane.

On roll call vote, the motion passed 4-1, Commissioner Short opposed.

Commissioner Short would like to entertain the interest of eliminating the larger vehicles.

Commissioner Sebring stated that she feels that when the delivery trucks come out here, they are doing several stops on the way so she feels it would not be possible.

Mayor Murphy stated that it is a good point as they are delivering to multiple cities. He feels that it would have to be discussed with multiple cities and it would increase the companies' costs.

Chair Carter stated that we have other items on Pine Avenue that have to get done so we should continue with those.

Press Comment

None.

Adjournment

Meeting adjourned by Chair Carter at 2:46 p.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer