

**CITY OF ANNA MARIA  
REGULAR CITY COMMISSION MEETING MINUTES  
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
TUESDAY, JANUARY 22, 2008  
7:00 P.M.**

**CALL TO ORDER**

Commission Chair John 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, City Attorney Jim Dye, Public Works Director George McKay, Codes Enforcement Officer Gerry Rathvon, City Engineer Tom Wilcox, and Minutes Clerk Stacey Johnston.

**Press present:** Sun and Island.

**1. CONSENT AGENDA**

- a. ***Minutes* – City Commission Meeting – December 6, 2007  
– Special City Commission Meeting – December 20, 2007**
- b. **Approve FLC Legislative Affairs Proclamation**
- c. **Approve Charter Review Committee 2008 –  
(Tom Aposporos; Suzanne Douglas; Mady Iseman; Norm Mansour;  
and Sherry Oehler)**
- d. **Approve Florida Arbor Day Proclamation – January 18, 2008**
- e. **Approve EPCRA Awareness Week Proclamation  
(Hazardous Materials) – January 20 – 26, 2008**
- f. **Authorize Items as Surplus Property**
- g. **Appoint Mike Yetter to P& Z Board Effective 2/1/2008  
(Replaces Douglas Winton – Term to Expire July 2008)**
- h. ***Special Event* – Ginny & Jane E’s Flea Market  
February 10, 2008 – 8:00 a.m. – 4:00 p.m.**
- i. ***Special Event* – AM Community Center – Air Force Reserve Band  
February 3, 2008 – 2:00 p.m. – 4:00 p.m.**
- j. ***Special Event* – AM Community Center – Valentine’s Day Dance  
February 14, 2008 – 5:00 p.m. – 12:00 a.m.**
- k. ***Special Event* – AM Community Center – An Affaire to Remember  
February 23, 2008 – 5:00 p.m. – 12:00 a.m.**
- l. ***Special Event* – AM Community Center – Tour of Homes  
March 15, 2008 – 10:00 a.m. – 4:00 p.m.**
- m. ***Special Event* – AMI Historical Society Heritage Day  
March 1, 2008 – 10:00 a.m. – 4:00 p.m. @ HS parking lot**
- n. ***Special Event* – AMI Historical Society Jazz Fest  
February 7, 2008 & March 13, 2008 – 3:00 p.m. – 5:00 p.m.  
@ The Community Center**

- o. **Special Event – AMI Historical Society Dance**  
March 22, 2008 – 8:00 p.m. – 11:00 p.m. @ the Community Center
- p. **Special Event - AM Island Chamber – Friday Fest (Band Concert)**  
March 7, 2008 – 5:00 p.m. – 10:00 p.m. to be held at the  
Empty Lot @ Pine Ave & 101 Bay Blvd

*Mayor Barford* introduced Mike Yetter, P&Z Board applicant, to the City Commission. She thanked the Commission for their support in appointing Mr. Yetter to the P&Z Board and for their appointing of the recommended Charter Review Committee.

*Chair Quam* asked that items # h, j, k, and o be pulled from the Consent Agenda and considered separately.

**MOTION: Commissioner Woodland moved to approve Consent Agenda items a, b, c, d, e, f, g, i, l, m, and n. Commissioner Miller seconded the motion. Motion carried – All Aye.**

- h. **Special Event – Ginny & Jane E’s Flea Market - February 10, 2008 – 8:00 a.m. – 4:00 p.m.**

*Chair Quam* asked if law enforcement should be stationed at the Ginny & Jane E’s Flea Market corner at the next event to insure proper traffic control. Mayor Barford will look into it. It was noted that the required law enforcement would be hired at Ginny & Jane E’s expense.

**MOTION: Commissioner Miller moved to approve Consent Agenda item # h, as amended. Commissioner Tollette seconded the motion. Motion carried – All Aye.**

- j. **Special Event – AM Community Center – Valentine’s Day Dance - February 14, 2008 – 5:00 p.m. – 12:00 a.m.**
- k. **Special Event – AM Community Center – An Affaire to Remember February 23, 2008 – 5:00 p.m. – 12:00 a.m.**
- o. **Special Event – AMI Historical Society Dance – March 22, 2008 – 8:00 p.m. – 11:00 p.m. @ the Community Center**

*Chair Quam* stated there was no indication in the application paper work whether or not alcohol will be served and the proper insurance would be filed with the City.

*City Attorney Dye* informed he had written a response to a letter received from the FL League of Cities – the City’s insurance carrier. The League had expressed concerns as to whether or not a BYOB event would be covered under a general alcohol rider for a Special Event.

*Community Center Director Pierrette Kelly* informed that they have had the same insurance carrier since 1960; however, they do not provide insurance relating to alcohol. As a result, the Community Center has been purchasing a \$1 million per occurrence Liquor Liability Insurance through a Special Event Insurance company that lists the City of Anna Maria as an additional insured.

Ms. Kelly informed the Center was not asked to fill out a Special Events Permit application for the recent BYOB Billy Rice event. She pointed out that Sergeant Kinney was at the event and no issues occurred.

*Commissioner Tollette* asked why the City was just now requiring the Community Center to apply for a Special Events Permit when they had never had to obtain one in the past.

*Mayor Barford* stated that the City exercised their administrative rights under the Ordinance and made the determination since the events would involve alcohol, parking, need for law enforcement, and restroom requirements. Discussion followed relating to the two resident complaints received after the Billy Rice event.

Mayor suggested that the determination of whether or not a Special Events Permit should be required should be handled administratively. The Public Works Director would be responsible for making that determination.

**MOTION: Chair Quam moved to approve Consent Agenda items j, k & o. Commissioner Miller seconded the motion.  
Motion carried – All Aye**

## 2. REPORTS AND UPDATES.

### a. Commissioners -

#### Updated City Code Books

*Commissioner Woodland* thanked the City Staff for the City's Updated Code Book.

### b. Sheriff's Report (Written).

### c. Building Department Report (Written).

### d. Public Works Department Report (Written).

### e. Code Enforcement Report (Written).

### f. City Pier Report (Written).

### g. Ordinance Update (Written).

### h. Financial Report (Written).

### i. Line of Credit Report (Written)

**j. Mayor's Report.****CRS (Community Rating System)**

Mayor Barford received a letter from FEMA congratulating the City of Anna Maria for its submission of the CRS. The new rate will be an advantage for the citizens resulting in a decrease in their insurance policies. A plaque will be issued to the City.

*Mayor Barford* congratulated and expressed her appreciation to Building Department Director Steve Gilbert and his staff Diane Sacca and Gerry Rathvon for all their involvement.

**ITPO Update**

*Mayor Barford* informed she attended the recent ITPO meeting. The openings on the Manatee Bridge are now back to every ½ hour until May 15, 2008.

The Coast Guard has been contacted in regards to the Cortez Bridge openings during the time the Manatee Bridge is closed. It is being requested that the openings be restricted as follows: No bridge openings between 6 am – 10 am; openings every ½ hr between 10 am – 3 pm; no openings between 3 pm – 7 pm; and from 7 pm – 6 am the bridge will open on demand.

The Longboat Key Bridge opens on demand due to the currents. If it becomes a problem the Coast Guard will intervene and stop those bridge openings as required.

**Code Books**

*Mayor Barford* thanked Commissioner Woodland for his comment relating to the new Code Book.

**Beach Re-nourishment Meeting Update**

*Mayor Barford* reported on the Beach Re-nourishment meeting attended by she and George McKay. She informed that the City will be facing a major re-nourishment effort in 2011 but will be starting now. Charlie Hunsicker, Manatee County Conservation Lands Management, will be attending and providing the Commission with an update at their February Work Session. She explained that # 1 & 3 (around north end of beach) need to be addressed and they do not meet the parking criteria by being 35 – 40 parking spaces short. Public Works Director McKay will be walking the parking spots with both the State and the County representatives within the next couple of weeks.

**February Work Session Date Changed**

It was noted that the February Work Session would be held on Tuesday, February 12.

**3. Review Proposed City Fee Schedule.**

This agenda item will be rescheduled for consideration at a future Commission meeting.

**4. Temporary Sign Permit**

*Code Enforcement Officer Gerry Rathvon* explained that a request was made by the Historic Society to place a banner along their roofline for the Heritage Festival Days. She informed that pursuant to City Ordinances, banners/temporary signs are only addressed in C-1 and Residential Districts. There are no guidelines relating to the PSP or ROR Districts.

Ms. Rathvon informed that Building Official Gilbert is in the process of creating a temporary sign application.

*City Attorney Dye* advised that the Code does specify that the Superintendent of Public Works has the authority to approve or disapprove the banner request and place any limitations as necessary on the request.

*Commissioner Miller* said he saw a "Financing by Whitney Bank" sign on a residential property and questioned if those type signs were covered under the new Ordinance.

Ms. Rathvon said she would check to see if banks were covered in the section relating to commercial entities.

***Chair Quam* asked that Agenda Item # 8 be addressed at this time. The Commission agreed to the Agenda revision.**

**8. Review Uses of Community Center**

*Commissioner Woodland* said he asked that the item be placed on the agenda. He informed he had attended the recent Billy Rice concert. His concerns involved questions relating to the use clause for the Community Center and the Special Use Permit.

Commissioner Woodland agreed that the City should be protected by requiring the proper insurance and said he would not feel comfortable until City Attorney Dye had reviewed the insurance submitted and have assured that the City is adequately covered.

Commissioner Woodland addressed section 114-321 of the City Codes. He asked that profit and not-for-profit be clarified by City Attorney Dye.

*City Attorney Dye* responded and informed that a not-for-profit entity would be allowed to charge for their services.

Commissioner Woodland recommended that a list of the Community Center events be added under the permitted uses of the City Code. He felt the City needed to treat all applicants the same.

In referencing 114-428 of the Code, City Attorney Dye suggested that stating the permitted use in the Code would reduce the requirement for obtaining a Special Use Permit.

*Commissioner Miller* suggested that the insurance requirements, property traffic control, etc. be included with the Permit application. Discussion followed.

*Mayor Barford* asked that the Commission determine what issues would trigger placing a Special Use Permit request on the agenda for the Commission's Review vs. an application that can be handled administratively. She felt the Commission should be involved with applications involving alcohol, when a certain number of people would be attending (example over 150 attendees), and when restroom facilities would be required. She informed that the Code implies that the Superintendent of Public Works had the authority to make the proper determination.

*Commissioner Tollette* who serves as the Community Center Liaison voiced concern about making the Special Events Permit more cumbersome and more expensive for the Community Center. She felt it would be difficult to estimate the number of attendees and that the Commission should only approve a permit when alcohol was involved.

*Code Enforcement Officer Rathvon* suggested that if alcohol would be allowed at the Community Center they would be required to present a copy of the insurance to the City. Also, law enforcement would be required in the event of alcohol and for traffic control. She said she could add that information on the Special Events Permit application and present it to Public Works McKay for review. This would allow the administration to review the request versus requiring it to come before the Commission - and in turn would save the applicant money.

*Commissioner Miller* agreed and felt that the Commission should review the applications only when alcohol would be present and possibly when an evening event would take place.

*City Attorney Dye* cautioned tying the Special Events criteria to alcohol or number of attendees. He gave an example of a soccer event that served beer. He stated that the weighing of an event was an administrative staff function pointing out that the Sheriff's Department, Fire Department, and Public Works are all required to review the application and make any comments. However, Ordinance requires that when a Special Events Permit was triggered it is suppose to go before the Commission for approval.

*Commissioner Tollette* asked for clarification on the definition of a Special Events Permit feeling it should be "something out of the ordinary." She reminded that

the Community Center has the same type of events over and over. Also, they were not required to obtain a Special Events Permit in the past.

*Community Center Director Pierrette Kelly* informed that when the Ordinance amendment was passed in 2000, it was determined that all events held by the Community Center would not require a permit. However, in the past two months since moving into their building, the City has required permits. She pointed out the permit cost was a hardship since they are currently trying to raise funding for maintaining the new Center. She asked that the Commission agree to grant the Center some type of exemption from obtaining a permit and paying any fees.

*Commissioner Woodland* addressed the permitted uses in the PRA District and suggested additional uses be added in the Code for the PRA District.

*Commissioner Miller* suggested that City Attorney Dye bring back a recommendation for the Commission's review.

*City Attorney Dye* reviewed two options – 1) Look at the PRA District zoning to add to the list of permitted uses, and 2) Change the Special Events Ordinance to allow for Administrative approval rather than Commission approval.

Commissioner Woodland disagreed with switching approval over to Administration.

*Mayor Barford* suggested that for the next six months the Administration review the Community Center's upcoming schedule, work with the City Attorney, and make a determination on what events would trigger sending on to the Commission for approval.

Commissioner Woodland said he totally disagreed and supported asking City Attorney Dye to review the permitted uses in the PRA District and bring a recommendation to change the Ordinance back to the Commission at the next meeting.

*Chair Quam* asked City Attorney Dye to bring back a recommendation at the next meeting.

## **5. Proposed Line of Credit Change for Phase 1 Stormwater Project**

*Commissioner Woodland* reminded that based on the bids received for the City Phase 1 Stormwater Project the City will now be \$200,000 over budget. He said options were discussed with SWFWMD they do not want to go the out of cycle funding request route. The CFI request would, however, have a good chance of being funded for 2009. He felt assured the \$224,000 funding would be approved with a 50/50 split. This would allow the City's contractor to complete the project as a whole.

Commissioner Woodland met with the Finance Director in regard to running up against the total line of credit. He recommends increasing the line of credit to

\$1.5 million. He asked that the Commission, at their February meeting, consider a Resolution relating to the issue.

*Deputy City Clerk/Finance Director Diane Percycoe* read draft Resolution No. R08-633 by title.

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING RESOLUTION NO. R-07-628 FOR THE PURPOSE OF MODIFYING THE PHASE I STORMWATER PROJECT AND ADJUSTING THE PROJECT COSTS TO REFLECT INCREASED CONSTRUCTION COSTS, AND AUTHORIZATION FOR THE MAYOR TO DRAW DOWN ON THE LINE-OF-CREDIT TO INCREASE PRINCIPAL BALANCE TO \$1.5 MILLION.**

Ms. Percycoe explained spreadsheets – Phase I and Phase II Project Costs and Phase I; Phase II Payment Schedule; and Exhibit “A” Line of Credit Capital Improvements Worksheet she had prepared in detail. The final payment of \$177,000 for Phase I Road will be January 1, 2012. The final payment of \$31,500 for Phase I and Phase II Stormwater will be January 1, 2015.

Commissioner Woodland said he will present the Commission with additional worksheets relating to the line-of-credit at the February meeting.

*Commissioner Miller* expressed his appreciation to Commissioner Woodland for taking an ownership in the project and the work completed by Ms. Percycoe and City Engineer Wilcox.

**ACTION: It was the consensus of the Commission to proceed.**

**6. Stormwater Utility Fee – Discuss Next Step in the Process and Timeliness**

*City Attorney Dye* updated the Commission explaining that a contract between the City and the County Appraiser relating to the collection disbursement by the Assessor was required. He has looked at the contract which was a basic document originally set up for the special tax districts such as the Lakewood Ranch projects. Only minor changes will need to be made to the contract. He said he had contacted the Appraiser’s office and hopes to complete the process on Wednesday, January 23. The contract will then be sent to Mayor Barford for signature.

*City Engineer Wilcox* informed HDR had been given the task of determining the calculations on which to base the future assessment. The ERU will need to be determined and he hoped to have the study completed in approximately thirty days.

City Attorney Dye explained that after the ERU is determined a budget and wish list of projects will need to be created to determine what projects can be funded, etc. based on the ERU schedule and what that will mean to the property owner. An Ordinance will then be created and once approved the utility fee will be charged and collected during the next year’s tax cycle. All information will need

to be submitted to the County Appraiser's office by next summer in order to come out on the TRIM notices. City Attorney Dye will get the exact date.

*Mayor Barford* informed that once the ERU study is complete the information will be brought back before the Commission at a Work Session.

*Commissioner Woodland* discussed his desire for finding a way to offset the utility fee. He said he would like to contact the County relating to this issue.

*Deputy City Clerk/Finance Director Percycoe* asked why the City would go through the process if the utility fee would just be credited back to the property owner.

Commissioner Woodland felt the idea of the Stormwater Utility Fee was to have a dedicated funding source in perpetuity forever for the maintenance of the drainage project – separate from the budget.

Mayor Barford asked Commissioner Woodland to meet with her and Deputy City Clerk/Finance Director Percycoe relating to the issue.

**7. Discuss 'Volunteers to Adopt Area(s)' (i.e. Beach Access)**

*Mayor Barford* informed she has several citizens interested in adopting a beach access. With the Public Works staff and revenues down for maintaining the beach accesses she felt this would be a great idea. An Adopt-A-Beach Access Maintenance Agreement would be required. She suggested that the City start with six to eight of the over thirty beach accesses and hold quarterly training sessions.

Mayor Barford asked for the Commission's support feeling it was a great opportunity to acknowledge citizens for taking Pride in the City.

*Public Works Director McKay* explained that a waiver would need to be signed by all volunteers.

*Commissioner Tollette* suggested rather than starting out slow that the City places an article in the newspapers to see what the response would be.

Discussion followed relating to the number of required cleanings to be requested by each group per year. After discussion it was agreed that the number of times per year not be listed.

The Commission agreed that recognition would be made by means of a plaque stating who officially adopts the beach access.

**9. Discuss 2008 Legislative Platform of the Board of County Commissioners (Reference Letter of December 5, 2007)**

The Commission reviewed Manatee County's adopted 2008 Legislative Platform and list of items to indicate which issues the City would support and agree upon.

*Commissioner Woodland* did not feel the Environmental Issues – Oil/Gas Drilling language was definitive enough.

After discussion it was agreed to exclude Environmental Issues – Oil/Gas Drilling; and Property Taxation Tax Base – support an alternative funding source such as an increase in the sales tax as a means of providing tax relief that reduces property taxes generated from the state controlled required local effort (RLE) for K-12 education including.

**MOTION: Commissioner Woodland moved to approve the Manatee County Board of County Commissioners' 2008 Legislative Platform approved November 27, 2007 with the elimination of Environmental Issues - Oil/Gas Drilling and under Property Taxation - Tax Base regarding the supporting of alternative funding sources. Commissioner Tollette seconded the motion.**

A letter will be drafted and signed by both Mayor Barford and Commission Chair Quam indicating the action taken by the Commission.

*Commissioner Miller* asked for clarification relating to the Oil/Gas Drilling. He indicated that the intent was to urge Congress to stand strong and united in the event.

*Mayor Barford* acknowledged that the language not being definitive would be articulated in the letter to the County.

**10. Old/New Business – No discussion.**

**PRESS COMMENT**

*Laurie Krosney*, The Anna Maria Island Sun, said she would place an article in the paper asking for Beach Access volunteers. She confirmed that those persons interested should contact Public Works Director George McKay.

**PUBLIC COMMENT**

*Michael Coleman*, Pine Ave. informed the previously discussed Whitney Bank sign was placed on a property he did not even own. He will be contacting the Bank to have it removed.

Mr. Coleman felt it was reasonable to have signs posted during the project but only for a short time and not until the project was complete.

**ADDITIONAL BUSINESS**

*Commissioner Tollette* informed she had not yet donated the \$120.18 left over from the Holiday party to the Community Center. She suggested that the money be donated to the fund for assisting the costs of burial of the son of one of Anna Maria's employees who was recently killed in an automobile accident. The Commission agreed.

*Mayor Barford* thanked the Commission for their donation.

**ADJOURNMENT**

**On motion made by Chair Quam and seconded by Commissioner Tollette, the meeting was adjourned at 8:59 p.m. Motion carried unanimously.**

**The next regular Work Session is scheduled for Tuesday, February 12, 2008 and the next Regular Meeting is scheduled for Thursday, February 28, 2008.**

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**Alice Baird, CMC, City Clerk**

**Minutes approved:** \_\_\_\_\_