

**CITY OF ANNA MARIA
CITY COMMISSION REGULAR MEETING
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, FEBRUARY 25, 2010
7:00 P.M.**

CALL TO ORDER

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

PLEDGE TO THE FLAG

ROLL CALL: Mayor Fran Barford, Commissioner Jo Ann Mattick, Deputy Chair Dale Woodland, Chair John Quam, and Commissioner Chuck Webb.

Absent: Commissioner Harry Stoltzfus.

Staff Present: Finance Director/Deputy City Clerk Diane Percycoe, City Attorney Jim Dye, City Planner Alan Garrett, Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

Also present: Court Reporter – not being paid by the City of Anna Maria.

PLEDGE OF CONDUCT: Read by Chair Quam.

1. Approve Minutes of:

City Commission Special Meeting held January 21, 2010.

City Commission Regular Meeting held January 28, 2010

City Commission Special Meeting held February 18, 2010.

Commissioner Mattick asked that the January 21, 2010 Special Meeting minutes be amended by correcting the spelling of “interprets.”

MOTION: Commissioner Mattick moved that the January 21, 2010 City Commission Special Meeting Minutes be approved as amended. Commissioner Woodland seconded the motion. Motion carried – All Aye.

MOTION: Chair Quam moved that the January 28, 2010 City Commission Regular Meeting Minutes and the February 18, 2010 Special Meeting Minutes be approved as written. Motion carried – All Aye.

2. Commissioner Reports - No reports.

3. Mayor’s Report

Welcoming of Visitors Present at Meeting

Mayor Barford welcomed County Commissioner John Chappie, Manatee County Economic Development Executive Director Eric Basinger, and Manatee County Administrator Ed Hunzeker.

Upcoming Meeting Dates Announced

- A Special City Commission meeting will be held on March 24, 2010 at 6:00 p.m. to review the Schedule of Permit Fees.
- The preliminary Budget meeting will be held on March 18, 2010, 10:00 a.m.

Additional Law Enforcement Coverage Announced

Due to the increased gang activity, the Manatee County Sheriff’s Office will provide additional law enforcement coverage at Gulf Beach and the Bay Front during spring break, Easter, Memorial Day, and Independence Day. There will be no additional cost to Anna Maria as a result of the additional coverage.

City Pier Photo Donated to City

Mayor Barford publicly thanked Tom Tollette for donating a photo of the City Pier that will be hung in City Hall. The City Pier Centennial Committee has been given the rights to use the picture on their promotional items.

Project Updates

Project updates were provided by Mayor Barford for the Stormwater Project II, the Crescent Bridge, and the North Bay Blvd. Bridge.

BIEO Meeting Update

Anna Maria hosted the BIEO Meeting on Wednesday, February 17, 2010. Manatee County presented their proposed business tax at that meeting.

4. Manatee County Business Tax Proposal.

Manatee County Economic Development Executive Director Eric Basinger addressed the Commission on behalf of the Manatee County business community. He explained that the Manatee County EDC was made up of the Manatee Chamber of Commerce, the Lakewood Ranch Business Alliance, the Anna Maria Island Chamber of Commerce, and the Gulf Coast Latin Chamber of Commerce. Each entity has endorsed the County's proposed Business Tax plan for providing Economic Development and future jobs and business opportunities in the County.

Explanation followed relating to the current economic situation in Manatee County and how the EDC hope to have an active and proactive role in influencing the type of E-business opportunities for Manatee County – along with the spin-off of services of the present businesses.

A public private partnership has been in place with some of the governments and businesses; however, there is not adequate funding for Economic Development. He explained that the surrounding counties have utilized a countywide Business Tax for the purpose of funding Economic Development for the recruiting of additional business. A flat \$35 across-the-board Business Tax has been proposed that will include a 5-year sunset to review its impact.

A review of the EDC targeted business sectors to be pursued followed by EDC Director Basinger.

Commissioner Woodland stated he had no problem with implementing the Business Tax. He questioned how the County would be accountable at the 5-yr Sunset for the tax amount collected and the accomplishments of the EDC.

Mr. Basinger informed that an annual report will be prepared and that the measurement will be the number of jobs created, capital investment numbers, review of the unemployment rate, etc.

Manatee County Administrator Ed Hunzeker informed that approximately nine months ago, the business community asked how the EDC could increase their Economic Development efforts. Currently \$170,000 is collected annually through the County's tax base into the EDC. However, the EDC's overall budget is \$600,000.

It was determined that the businesses should support business - so therefore, the Business Tax is being proposed to make up the current deficit in the EDC budget. The Ordinance, guided by State Statute, will be considered by the Manatee County Commission for First Reading at their March 16, 2010 meeting. Each City will receive a

copy of the draft Ordinance, along with the Outreach Program adopted by the EDC Board.

The County Business Tax will be collected through the County Tax Collector. All Business Tax revenues from unincorporated Manatee County will be retained by the County and all other business taxes collected will be distributed back to each of the City's based on population. The County's hope is that each City considers contributing their portion back to the EDC. Notice of the new Tax can only be sent out between July and September and will therefore not occur until 2011. Revenues will be remitted to each of the governments in 2012.

Explanation followed relating to the benefits of the Hillsborough County Business Tax when Administrator Hunzeker worked there.

Administrator Hunzeker acknowledged that owners of residential rentals would also be taxed. Explanation followed relating to which businesses and which occupations would be taxed.

According to Administrator Hunzeker, no additional employees will be hired to administrator the program. Tourism and Economic Development will be tied together. Examples followed.

5. Public Hearing to Consider a Variance Request – Amend the Existing Variance Requirements from a 20-Ft Westerly Setback to a 5-Ft Setback to Construct a Swimming Pool.

806 N. Bay Blvd – Lots 3 & 4, Wells Subdivision.

Finance Director/Deputy City Clerk Diane Percycoe swore-in all persons wishing to speak.

Applicant Larry Berkery, 806 N. Bay Blvd, informed that in approximately 1995/1996, the lot was created through a variance out of two lots. He informed that when the lot was created, the front and rear setbacks were set at 20-ft. Mr. Berkery informed that his original setback request for constructing a swimming pool was for 5-ft. However, after meeting with the P&Z Board, a 10-ft setback is now being requested.

Building Official Welch verified that the normal setback for properties in that area is 10-ft. The 806 N. Bay Blvd. property was created with a 20-ft setback to provide access for the Fire Department. The home was later sprinkled and the Fire Department has informed there is no longer a need for the 20-ft rear setback/emergency access behind the property.

Explanation followed relating to the uniqueness of the property as it relates to a variance.

Commissioner Webb suggested that the request be considered as a modification to the original variance, rather than a separate variance request. He pointed out that a letter from the Fire Department states that if the structure was ever sprinkled, there would no longer be a need for the emergency access behind the property. As a result, the request is the same as any other applicant would request - and therefore would only require a modification to the existing variance on the property.

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

Public Comment – None.

Hearing no public comment, Chair Quam closed the Public Comment portion of the hearing.

MOTION: Commissioner Webb moved to approve a modification to original variance at 806 N. Bay Blvd. – Condition # 2 The condition giving rise to the requested variance is due to unique circumstances not created by the applicant or any person presently having an interest in the property - and approve establishing a rear setback line at 10-ft rather than at 20-ft. Commissioner Woodland seconded the motion.

In answer to *Commissioner Woodland's* question, *City Attorney Dye* advised that there would be no problem with the Commission now approving a modification to the original variance even though the P&Z had approved a variance request for a 10-ft rear setback. He noted that the original variance was a recorded document. Once the modification is approved, a modification document will need to be recorded.

ACTION: On Roll Call Vote the motion carried unanimously.

Commissioner Webb stated that the uniqueness being created was actually a uniqueness based on a previous variance. Not feeling that the general rules were appropriate, he asked that staff review the language.

Planner Garrett questioned if in the beginning it was even appropriate to approve a variance to create a lot.

6. Old/New Business.

Chair Quam asked that any old or new business requests be submitted to City Clerk Baird.

7. Consent Agenda

- a. **Special Event – Ginny & Jane's Flea Market – March 7, 2010 (8:00 a.m. to 3:00 p.m.)**
- b. **Special Event – Community Center Tour of Homes – March 20, 2010 (10:00 a.m. to 4:00 p.m. – Request to waive \$100 Permit Fee)**
- c. **Roser Church Building Permit for Food Pantry (Request to waive \$600 Building Permit Fee)**
- d. **Approval of Amending City Boundaries**

Chair Quam asked that Consent Agenda item d. be pulled from the Consent Agenda and considered separately.

MOTION: Commissioner Webb moved that Consent Agenda items a., b., and c. be approved. Motion was seconded by Commissioner Mattick. Motion carried – All Aye.

d. Approval of Amending City Boundaries

City Attorney Dye explained that the language stricken from the “Proposed Language for Special Act” and the new language added was proposed by the County Attorney’s office based on what the Legislature added when Bradenton Beach amended its boundaries. If approved by the Legislature, the language for adoption states that the County has the rights to place signs in the areas currently under the County’s jurisdiction coming into the

City limits, without having to get approval from the City first. He noted that it would include the area around Lake LaVista and the area around Bimini Bay around Galati's Marina. The County Commission approved the draft language at their last meeting.

City Attorney Dye confirmed that the boundary line is intended to take in waters that the City feels docks will be built in. The new boundary line will include existing docks on Bimini Bay, and the two City Piers in the Tampa Bay.

Building Official Welch verified that the City has a rather restrictive dock Ordinance and does have a Building Permit fee established for docks. He stated that it would be unfeasible for anyone to build a dock out any further than the proposed boundaries.

**MOTION: Chair Quam moved that Consent Agenda item d. be approved. Commissioner Woodland seconded the motion.
Motion carried – All Aye.**

11. **Written Reports and Updates:**
- a. **Sheriff's Report.**
 - b. **Building Department Report.**
 - c. **Public Works' Department Report.**
 - d. **Code Enforcement Report.**
 - e. **City Pier Report.**
 - f. **Ordinance Update.**
 - g. **Financial Report.**
 - h. **Line of Credit Report.**

Public Comment –

County Proposed Business Tax

Tom Turner, N. Shore Dr. asked if the proposed County Business Tax would have an effect on long-term rentals. He reminded that when Anna Maria required a Business Tax in the past, any property owner with rentals of six months and one day and over was exempt from having to pay the tax. He felt that long-term rentals should also be exempted from the County tax.

City Attorney Dye informed that the City of Holmes Beach has requested their City Attorney, Patty Petruff, to review the County's proposed Business Tax Ordinance. It has been heard that the Ordinance is drafted so that the Tax Collector will enforce and collect the Business Tax and that some of the definitions will be left up to the Tax Collector. Details relating to what defines a business still needs worked out.

Additional Business

New Business Items Requested

- *Commissioner Mattick* asked that the Special Event fees that are charged - versus those that are waived - be added for discussion under New Business and that a policy be established.

Commissioner Webb pointed out that the fees are designed to cover the City's costs. He suggested that in certain cases, a bond be required rather than a Special Event fee.

- *Commissioner Mattick* stated she received a call relating to the citizen not being informed about construction, etc. causing noise, traffic, etc. She felt that

residents have a certain responsibility to be informed of upcoming construction activity.

- In answer to the question by *Commissioner Webb*, *City Attorney Dye* informed that the City owns the land under the City Pier.

Press Comment – None.

Adjournment

On motion made by Chair Quam and seconded by Commissioner Webb, the meeting was adjourned at 7:57 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____