

**CITY OF ANNA MARIA  
SPECIAL CITY COMMISSION MEETING  
THURSDAY, FEBRUARY 8, 2007  
6:45 P.M.**

**CALL TO ORDER**

Chair Quam called the Special City Commission Meeting to order at 6:45 p.m.

**PLEDGE TO THE FLAG**

**ROLL CALL:** Commissioner Duke Miller, Deputy Chair Christine Tollette, Chair John Quam, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, Mayor Fran Barford.

**Absent:** City Clerk Alice Baird.

**Staff present:** Deputy City Clerk Diane Percycoe, City Attorney Jim Dye, Building Official Kevin Donohue, City Planner Alan Garrett, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

**Press present:** Sun, Islander.

**1. APPROVAL OF SPECIAL EVENT: Sandbar Restaurant Wedding Tent – February 17, 2007 – from 9:00 a.m. to 10:00 p.m.**

*Commissioner Woodland* pointed out that the Special Event application was requested by the applicant on January 31, 2007 and does not meet the Code requirements. The Code requires that applications be received six weeks prior to the event.

*Mayor Barford* said she discussed this issue with the staff. This item was removed from the January City Commission agenda as a result of an error made by her in interpreting the Special Events requirements.

The applicant had originally applied for a six-month permit. The application has now been revised and she stated the City is now bringing the request to the City Commission for their consideration, recognizing that the dates did not meet the ordinance requirements.

Mayor Barford pointed out that events have previously been approved in the same fashion and the City is now adhering exactly as the ordinance is intended.

*Chair Quam* stated that the Fire Department approved the January 1, 2007 application on January 3, 2007 for the six-month request.

*Commissioner Miller* asked for clarification on the date of the event noting that a time period of January 1, 2007 to April 30, 2007 was included in their packet materials.

Mayor Barford acknowledged the request is for February 17, 2007 only.

*Commissioner Tollette* asked if the original request was for the tents to be erected for a period of three months.

Mayor Barford answered it was, however, after meeting with the Sandbar representatives, all future wedding requests will be for a three-day period. The small tent would be erected on day one, the wedding held on day two, and on day three the tent would be removed. However, the February 17, 2007 request is for one day only, 9:00 a.m. to 10:00 p.m., and the tent would be erected and removed that same day.

*Commissioner Miller* asked if Commission approval would be required each time the tent was erected.

Mayor Barford stated she did not feel it was the intent of the Special Events Ordinance that the City Commission approves weddings. She felt Special Events that required street closures and those that involve major impact to the community are what need to come before the Commission. She asked Planner Garrett to address the Commission on proposed ordinance changes for their consideration.

City Planner *Alan Garrett* explained that several jurisdictions have a tiered approach based on the impact to the community. Planner Garrett stated he and the Mayor had discussed creating an "Outdoor Assembly Permit" in the Ordinance that would be very restrictive.

Planner Garrett briefed the Commission on the proposed permit requirements. Examples included:

- The event would take place no longer than one day.
- A structure (example – tent), could not be erected any sooner than 24 hours in advance and must be removed 24 hours afterwards.
- Limit the maximum number of participants to sixty.
- Events can only take place in the Commercial and ROR Districts.
- Mayor having the authority to receive the application classified as temporary in character and those having little impact on the surrounding properties.

*Commissioner Woodland* called a Point of Order at this time stating that the Special Commission Meeting Agenda did not allow for consideration of an Ordinance change.

*Chair Quam* stated that this discussion was in relation to the agenda item and was being presented only for the purpose of informing the Commission this ordinance revision was in the works and no discussion or action would be taken at this time. He said this issue would be placed on the Commission's March 8 Work Session agenda for discussion at that time.

Planner Garrett stated the purpose of the proposed Ordinance change is to better utilize the City Commissioner's time in them not having to review minor outdoor assemblies and being burdened by these type of events one right after the other.

*Commissioner Woodland* pointed out that the Ordinance utilizes the wording “must” in two separate places and was concerned about the Commission voting in favor of the request with “must” being a part of the Ordinance.

*City Attorney Jim Dye* responded that the Ordinance did speak in absolutes. Both “must” or “shall” are known as absolutes. He informed that previous Commission’s have waived some of the requirements when deeming that the mandatory language was for the protection of the City. If the protections were in place, the Commission had previously found that the procedural time frame could be waived. City Attorney Dye pointed out, however, he was not certain that power had been written into the ordinance.

**MOTION: Chair Quam moved to approve the Special Event Permit for the Sandbar Restaurant Wedding Tent for February 17, 2007 from 9:00 a.m. to 10:00 p.m. Commissioner Tollette seconded the motion. Motion carried on a vote of 3-2 with Commissioner Miller and Commissioner Woodland voting No.**

*Commissioner Miller* stated Mr. Chiles, Sandbar owner, had informed the Commission that after his site-plan was approved he would in the future apply for permits whenever another tent would be put up. However, he did not, noting the recent tent stayed up for weeks until complaints were received.

Commissioner Miller said according to comments received by Mr. Chiles, he intends to conduct two weddings at a time and would be applying for tents. He felt that the City Commission should approve those requests based on the major impact to the residential neighborhood being only 60-feet away.

Commissioner Miller said he liked the language of the proposed Ordinance, however, the Commission should approve all Special Events in the community.

## **ADJOURNMENT**

**MOTION: Chair Quam moved to adjourn at 6:59 p.m. Commissioner Miller seconded the motion. Motion carried - All Aye.**

## **REOPEN THE MEETING FOR PUBLIC COMMENTS.**

**MOTION: At 7:00 p.m., Chair Quam moved to re-open the Special Commission Meeting for the purpose of hearing public comments on the Special Event item. Commissioner Miller seconded the motion. Motion carried – All Aye.**

**PUBLIC COMMENTS**

*Robin Wall*, 112 Palmetto Ave, said she was impacted by the wedding tent events. She asked if the request was classified as a Special Event due to being a wedding reception, because of the amplified sound and its violation of the Noise Ordinance, or because of the use of Fireworks, etc.

*Chair Quam* informed that the City Commission has approved all previous weddings and Special Events.

*Commissioner Miller* stated this issue would be defined as a Special Event due to not being conducted within the confines of a permitted zoned usage and would impact the citizens.

*City Attorney Dye* paraphrased that the Ordinance defines a Special Event as one that is above and beyond the usual impacts that happen on a property.

Ms. Wall asked if a live band would be performing at the February 17 event and asked if the Sandbar would be utilizing their Staff to insure the microphone and amp levels are controlled. Chair Quam stated that a certain decibel level is required.

Ms. Wall stated that the Commission has the authority to add any special conditions to the application; however, the February 17 event had already been approved without any conditions.

She suggested in the future, the Commission approve an application with the condition that a Sandbar employee must be required to oversee the sound entertainment so that the volume is kept at a low reasonable level.

Ms. Wall said as a result of the request, she reviewed the City's Special Event and Noise Codes. She felt that the Code as currently written, allows the Sandbar the right to by-pass the Noise Code if they obtain a Special Event Permit. In addition, no limit is placed on the number of Special Use Permits that can be obtained. She informed that the Code also has no language relating to the usage of tents.

Ms. Wall felt the Special Events and Noise Codes should be amended. She then passed out a copy of the City of Sanibel's Special Events and Noise Code for the Commission's reference.

*Jim Conley*, North Shore Ave., asked if the City had any requirements relating to the safety issues and electrical issues involved with the erection of tent. He asked if the City inspected the tents.

*Building Official Donohue* said the official classification defined under the Building Code is for a "Canopy" rather than a "tent" and only minimal code requirements exist. *Chair Quam* stated this would be considered when the Commission reviews the proposed Ordinance language.

*Mark Alonzo*, 406 N. Shore Dr, voiced his support of the Sandbar's request stating it was "the Jewel of the Island" and is the largest employer and taxpayer in Anna Maria.

*Brendan Rowe*, Lobeck & Hanson Law Offices, addressed the Commission representing William and Barbara Nally, homeowners and residents at 110 Spring Avenue.

Mr. Rowe felt the City Commission had no authority to consider the request. He stated that with the application submission date being January 31, 2007 the request was clearing in violation of the Code. Mr. Rowe explained the requirements of the code in detail.

Mr. Rowe further stated the Code does not allow for authority to waive the time requirements as set forth. He said though the Commission may have waived the time requirements, the absolute language of "must" was part of the Code.

A previous letter submitted by former Mayor SueLynn was referenced by Mr. Rowe that stated "The City must receive a completed Special Events application at least six weeks prior to the date of the event for which the application was to be submitted. Failure to complete this deadline will result in your application NOT accepted for consideration."

*Marie White*, 111 Spring, informed she had called the Fire Department about the previous tent being up for over one month. She informed the Fire Department said they had inspected the "Pavilion Tent."

Ms. White voiced concern relating to the parking issues for a maximum of sixty individuals. She did not feel the Commission should continue approving the Sandbar have the authority to erect a tent. She stated the Fire Department required the former tent be removed only due to heaters being used.

Ms. White asked who would be monitoring the usage of a tent and felt its only use was for profit. She did not feel it protected the City, questioned the District setbacks, and pointed out the tent covered the entire lot next to the residential home at that location.

In conclusion, Ms. White said that the alley was being blocked during events are the public are unable to use it.

## **ADJOURNMENT**

**Hearing no further public comment, Chair Quam moved to officially adjourn the Special Meeting at 7:15 p.m. Commissioner Woodland seconded the motion. All Ayes.**