

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MARCH 27, 2008
7:00 P.M.**

CALL TO ORDER

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

PLEDGE OF CONDUCT

PLEDGE TO THE FLAG

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

Absent w/excuse: Chair John Quam and Commissioner Jo Ann Mattick

Staff present: Deputy City Clerk/Finance Director Diane Percycoc, Public Works Director George McKay, City Attorney Jim Dye, Sergeant Kinney, and Minutes Clerk Stacey Johnston.

Press present: Sun and Island.

1. CONSENT AGENDA

- a. **Minutes** – City Commission Meeting – February 28, 2008
– Shade Meeting – March 3, 2008
- b. **Special Event:** Ginny & Jane E's Flea Market –
April 6, 2008 – 8:00 a.m. to 4:00 p.m.
- c. **Re-appoint Environmental Enhancement & Education Committee Members:**
 - Diane Canniff - Expires: January 2010
 - Tim Eiseler - Expires: January 2010
 - Cindi Mansour - Expires: January 2010
 - Mary Selby - Expires: January 2010
 - Arlene Clarke - Expires: January 2011
 - Robin Wall - Expires: January 2011
 - Vacant Position - Expires: January 2011
- d. **Special Event:** AM Chamber Friday Fest @ Pine Ave & Bay Blvd –
April 25, 2008 – 5:00 p.m. to 10:00 p.m.

MOTION: The Consent Agenda was approved on motion made by Commissioner Woodland and seconded by Commissioner Miller.
Motion carried – All Aye.

Mayor Barford stated that the EEEEC just received a \$2,000 grant. Also in conjunction with the Historical Society received an additional \$1,000 grant for funding a bay-friendly project.

2. REPORTS AND UPDATES.**a. Commissioners -****Community Center Update**

Deputy Chair Tollette informed she recently attended the Community Center's Board meeting. *The Affaire to Remember* event raised \$200,000 for the Community Center's operating budget. A facilitator was there to discuss the type of events that would be held in the future.

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. Resolution Update (Written)****i. Financial Report (Written)****j. Line of Credit Report (Written)****k. Mayor's Report****Comprehensive Plan Update**

Mayor Barford reported that the Comprehensive Plan had been submitted, received, and approved by the State. The City is currently in the 21-day holding period for receiving any possible challenges.

FDOT Bridge Update Meeting

FDOT will be holding a public meeting at St. Bernard's Church on April 3, 2008 from 4:00 p.m. to 7:00 p.m.

City Hall Office Hours During Bridge Closing

Mayor Barford informed that during the upcoming bridge closing the City Hall office hours would remain the same – Monday through Friday, 8:00 a.m. to 4:00 p.m. However, the staff will be working a 10-hour, 4-day workweek with staggering days off so that the office is manned at all times.

Submerged Land Issue - Pier Update

City Attorney Dye informed that the State has asked the City to pay a lease payment for the bay bottom underneath the Pier.

It is his opinion the City owns the bay bottom underneath the Pier since the Pier has been there for so long. The City previously put together a package of documents and filed them with the State in order to back that opinion up. However, it now appears there was a dispute over how much of an application fee was due to the State and therefore the application never got processed.

City Attorney Dye informed that a letter was recently received from the State informing back lease payments were due back to 1985 in which the

City responded that they owned the area in question. The 1999 application has now again been updated and filed with the State.

Unclear at this point is a low boat area located at the end of the Pier where it T's. The State says they do not show that area as being part of the Historic Pier Structure. Unless the City can document that it is part of the Historic Pier Structure they will be responsible for paying a lease of that portion.

To prove that portion is part of the Historical Pier Structure historic photo sources will be reviewed.

Agenda Item # 7 – Super Majority Vote

ACTION: It was a majority agreement that Agenda Item # 7 would be postponed and considered at the April meeting to allow all Commissioners to be in attendance.

3. Trolley Update (Lisa Marie Phillips – Bradenton Beach)

No report was given. Ms. Phillips was not in attendance.

4. Second Reading and Public Hearing – Ordinance No. 08-684 - Establishing a Stormwater Utility.

Deputy City Clerk/Director of Finance Percycoe read the Ordinance by title.

Public Comment – None.

MOTION: Commissioner Woodland moved to approve Ordinance No. 08-684 for adoption. Commissioner Miller seconded the motion.

On Roll Call Vote the motion carried -

Commissioner Woodland – Aye

Deputy Chair Tollette – Aye

Commissioner Miller – Aye

Commissioner Mattick – Absent

Chair Quam – Absent

5. Adopt Resolution R-08-634 – Stormwater Utility – Establishing Appeal Procedures Whereby Property Owners Appeal a Determination regarding Impervious Surface of Applicability of a Credit Against a Base Fee.

Deputy City Clerk/Director of Finance Percycoe read the Resolution by title.

Commissioner Woodland asked for clarification relating to Section 5 of the proposed Resolution that establishes a fee schedule for appeals. He felt it could cost an individual more than the proposed stormwater utility fee to file an appeal.

Commissioner Woodland referenced the language in the Resolution referring to the amount of credit due against a fee based on a property owner's privately installed stormwater system serving as an incentive, however, felt if it cost more to appeal than the original fee, the incentive would be lost.

City Attorney Dye said the appeal system was not designed to reduce the fee. To be approved in an appeal, the property owner would have to be 100% outside of the system, etc. to not be a part of it. The City has performed a lot of legwork to identify the properties already. If the property owner has belief that they are not part of the stormwater system, they would need to prove such at their own expense.

City Attorney Dye pointed out if an individual believed they were outside the stormwater system and the City did not charge them to file an appeal, the fee to further research the issue by the City would have to be spread out over the property owners who are in the system.

Public Comment – None.

MOTION: Commissioner Miller moved to approve Resolution No. 08-634 for adoption. Commissioner Woodland seconded the motion. Motion carried – All Aye.

6. 1st Reading and Public Hearing on Ordinance No. 08-685 – Establishing a Definition of Community Center and Amending Zoning District Regulations for Community Centers.

Deputy City Clerk/Director of Finance Percycocoe read the Ordinance by title.

Deputy Chair Tollette officially opened the Public Hearing.

Deputy Chair Tollette stated that the Fire Marshall regulates the occupancy load requirement in the Community Center based on the type of event being held. A grid listing activities for the month of February was referenced.

In referencing the proposed Ordinance language relating to contacting the City if having over 200 attendees, Deputy Chair Tollette stated it was not specified as to whether that meant adults, children, teenagers, throughout the entire day, specific time of day, etc.

Deputy Chair Tollette commented that the issue all began as a result of two complaints. She felt there are individuals that no matter what's done will never be happy and complaints would be filed. It was her opinion that the City, prior to immediately changing an Ordinance, etc should conduct additional research.

Commissioner Woodland informed he had attended the P&Z Board meeting when they considered revisions to Ordinance No. 08-685. He stated the P&Z Board were primarily looking at the Special Events Permit and determined that

whenever a single event was being held having over 200 people in attendance or when alcohol was involved would require applying for the permit.

Deputy Chair Tollette asked if baseball or soccer events would fall under the category of 200 attendees.

Commissioner Woodland answered he believed the intent was only for charity events.

City Attorney Dye advised that the language suggested by the P&Z Board currently placed in the definition section of the Ordinance needed to either be moved under Sec. 114. Regulations or defined in an amendment to the Community Center's lease agreement. He also pointed out that no consequences were attached in the Ordinance as written in the event the Community Center did not follow the requirements.

Commissioner Miller suggested that Ordinance No. 08-685 be passed, however, prior to the Second Reading City Attorney Jim Dye be authorized to come back with the proper location the language suggested by the P&Z Board should be placed.

Discussion followed relating to the proper location the proposed language should be placed. Commissioner Woodland said he preferred moving the language into the Use Regulations of the Code in the event it needed to be changed at a later date. *Commissioner Miller* agreed and suggested the language state "an event or combination of events where there are more than 200 in attendance at the same time."

Public Comment

Mark Alonzo, 406 N. Shore Dr, gave the example of the soccer games held at the Community Center and pointed out very few times have they had an attendance of over 200 attendees.

Hearing no further comments, Deputy Chair Tollette officially closed the Public Hearing.

ACTION: It was the consensus of the Commission that Ordinance No. 08-685 be considered for Second Reading at the regular meeting to be held April 24, 2008. City Attorney Dye will make the proper adjustments to the Ordinance. Deputy Chair Tollette will report to the Community Center and inform them of the discussion held that evening.

7. Request from Charter Review Committee for Commission to Provide Feedback on the Following:

- Is the Commission in favor of a requirement for a super majority vote on future amendments to the Comprehensive Plan?
- Do you wish for this to be a part of the City Charter?

- **If the Commission is in favor of such a requirement, should it pertain to the Comp Plan in its entirety or to a specific or limited element of the Comp Plan?**

ACTION: No Discussion. It was agreed that this item will be considered by the Commission at their April 24, 2008 meeting.

PUBLIC COMMENT

Mark Alonzo, 406 N. Shore Dr., said he would like to see signage with arrows pointing to the direction of the beach around his home. He often has to direct the public where to go.

Mr. Alonzo also spoke relating to the trolley stating he conducted a survey at the Post Office whereas 90% of persons want the trolley.

Mr. Alonzo then stated there was a problem on N. Shore Dr. and made reference to comments by Commissioner Tollette at a February 7, 2007 meeting. It was his opinion that N. Shore Dr. is completely ignored. He said nearly 200 cars travel in front of his home including children, roller bladders, etc. He felt the biggest problem started with the bridge and though FDOT has indicated the bridge is okay he felt it was not.

PUBLIC COMMENT – None

PRESS COMMENT - None

ADJOURNMENT

On motion made by Chair Miller and seconded by Commissioner Woodland the meeting was adjourned at 7:45 p.m. Motion carried unanimously.

The next regular Work Session is scheduled for Thursday April 10, 2008 and the next Regular Meeting is scheduled for Thursday, April 24, 2008.

Alice Baird, CMC, City Clerk

Minutes approved: _____