

**CITY OF ANNA MARIA  
REGULAR CITY COMMISSION MEETING MINUTES  
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
TUESDAY, FEBURARY 28, 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 Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Duke Miller.

**Staff present:** City Clerk Alice Baird, Deputy City Clerk/Finance Director Diane Percycoe, City Attorney Jim Dye, Building Official Steve Gilbert, Consultant Tony Arrant, City Auditor Ed Leonard, and Minutes Clerk Stacey Johnston.

**Press present:** Sun and Island.

**1. CONSENT AGENDA**

- a. *Minutes* – City Commission Meeting – January 22, 2008
- b. *Special Event:* Ginny & Jane E's Flea Market –  
March 2, 2008 – 8:00 a.m. to 4:00 p.m.
- b. **Re-appoint Capital Improvements Advisory Committee Members:**
  - Larry Albert - Expires: January 2010
  - William Snow - Expires: January 2009
  - Carl Pearman - Expires: January 2010
  - Chuck White - Expires: January 2009

**Commission Liaison: Commissioner Duke Miller**  
**Staff Representative: Director of Public Works George McKay**

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

**2. REPORTS AND UPDATES.**

- a. **Commissioners -**
- 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****County Water Replacement Project – Anna Maria**

*Mayor Barford* informed there would be a County waterline replacement project in Anna Maria beginning March 30 from Peppertree to Willow. The project will continue for 120 days. The County will be replacing the waterline on the east side of Gulf and some lane closures will occur. Flagmen will be available to assist in traffic control. The project will be completed prior to the Manatee Bridge closure and will not conflict with the City's upcoming stormwater project.

**Manatee Bridge Update**

Work has begun on the Manatee Bridge. The north sidewalk is closed and equipment and supplies can be seen at the sight. A public meeting will be held in June or July prior to the September 29, 2008 closing. The bridge will remain closed for forty-five days.

**Anna Maria Building Official Transition**

*Mayor Barford* stated that the City will be transitioning the Building Department the following Monday. Mr. Bob Welch of MT Causley will be working with current Building Officials Steve and Alex during the transition and will become the City's new contracted Building Official. Mr. Welch previously worked in Anna Maria and is very familiar with the community.

**Adopt-a-beach-access Project**

Documents to adopt a beach access are available that includes an indemnity clause. Those wishing to adopt a beach access should contact Director of Public Works George McKay. To date seven persons have indicated interest.

**Shade Meeting Scheduled**

*City Attorney Jim Dye* advised that Judge Logan had issued an order to show cause to the City relating to the City Laura Gee challenge of the Olesen variance. The City will need to respond to Ms. Gee's challenge / appeal of the decision. The respond time has been set as March 6, 2008.

Attorney Dye requested a Shade Meeting to allow the Commission to give him direction and advise on how they wish to proceed. He informed that a Court Reporter would be available on March 9, 2008.

*Commissioner Tollette* informed she has a court summons for Jury Duty for that date. However, she would know on Sunday evening if she could be available for the Monday, March 9 Shade Meeting.

**ACTION: It was the consensus of the Commission that a Shade Meeting be held on Monday, March 9, 2008 – 9:00 a.m.**

**Consulting Fees Due – Comprehensive Plan**

*Mayor Barford* asked that an additional item be added to the Agenda that evening.

Former Mayor SueLynn had contracted with the FL Institute of Government – Tony Arrant serves as Consultant – relating to consulting services involving the Comprehensive Plan. The original contract amount of \$28,000 was due September 31, 2007. The City has paid that amount in full. At that time it looked as if the Comprehensive Plan would conclude in October 2007 and the FL Institute of Government agreed to include services through October 2007 as part of the original contract amount.

Additional Consulting work has occurred since the October 2007 date equal to two quarters (through end of March 2008) at \$7,000 per quarter. Therefore, an additional \$14,000 is due to the FL Institute of Government.

**ACTION: It was agreed that this item be added to the Agenda as new item # 9.**

**3. Accept City Audit Report.**

*City Auditor Ed Leonard* addressed the Commission and presented the City's Financial Statements and Independent Auditors' Report through September 30, 2007.

Mr. Leonard informed that the Audit process went well, that the City has a good system and finished up with a good clean audit report and opinion. The City received the highest level of opinion that a CPA firm can place.

Mr. Leonard reviewed the four sections of the report in detail and informed that the City was in a good financial position. Mr. Leonard also detailed the Long-term Debt under Footnote 7.

The Management Letter was also explained. Mr. Leonard suggests the City implement additional procedures to ensure all liabilities are recorded and that fixed asset reports are produced that can be used for financial statement preparation. He informed that his firm would adopt additional procedures to ensure all liabilities are recorded at year-end and will also format new reports in the City's fixed asset system.

**MOTION: Commissioner Miller moved to accept the City Audit Report for Financial Statements ending September 30, 2007 as submitted. Commissioner Tollette seconded the motion. Motion carried – All Aye.**

**4. Discuss Proposed Comp Plan Amendment – Requiring a Unanimous or Super Majority Vote on Future Plan Amendments.**

*Chair Quam* pointed out this item was discussed in December 2007 and was on the agenda for consideration that evening.

*City Attorney Dye* referenced the options available which include:

- Placing language in the Comprehensive Plan. This method will require going through the Comp Plan process involving the DCA.
- A procedural requirement could be established stating that no drafting or authorization of an Ordinance addressing a concerned topic would occur without first obtaining a super majority or unanimous approval to do so.
- Language could be placed in the Charter. Charter procedures would need to be followed.

City Attorney Dye felt the easiest method would be to put the procedural step in place.

Discussion followed relating to the various options.

*Commissioner Miller* expressed his concern that if a super majority is required prior to the drafting of an Ordinance, the Commission would be voting for something prior to it even being drafted. His preference was to place language in the Charter that a super majority vote is required in order to amend the Comprehensive Plan.

*Commissioner Mattick* said she was opposed to requiring a super majority. The City has made all decisions relating to the City based on a majority and saw no reason to complicate the issue and make that change relating to the Comp Plan. It was her opinion that the Commission was elected to make the decisions for the City and she saw no circumstance where a super majority would be required. *Commissioner Tollette* agreed.

**ACTION: It was the consensus of the Commission to not pursue requiring a Unanimous or Super Majority Vote on Future Plan Amendments**

**Public Comment**

*Tom Aposporos*, Charter Review Committee Chair, 208 Crescent Dr., explained he just recently volunteered his time in the Town of Longboat Key relating to its 1984 Comprehensive Plan. As a result of their cumbersome language in their Comp Plan the Town will be facing two referendums on March 18, 2008.

Mr. Aposporos encouraged the Commission to be careful and not make the procedures so rigid that it would be difficult to make any future changes to the Comprehensive Plan document.

**5. Review Policy 1.3.5 of Comprehensive Plan.**

*Consultant Tony Arrant* addressed Policy 1.3.5 stating that through the Committee, LPA, and City Commission deliberation they all wanted to make sure there would be only one residential unit, one residential house, or one residential structure per lot. The intent was to ensure there would be no duplexes on small lots. The two terms – lot / structure – were to be used interchangeably.

Consultant Arrant stated there was never an intent that an individual could not build on a certain footprint, structures could be attached, etc. Those issues can be controlled in the Land Development Code (LDC).

Consultant Arrant provided the following solution: The City Commission determine what they want the terms to mean and then direct he, City Attorney Dye, and the City's Building Official to place various specific, expressively-stating definition type language in the LDC. The language has already been adopted in the Comprehensive Plan and forwarded to the State. To change it would require going through another seven to nine month process and he did not recommend the City going through that expense.

*City Attorney Dye* agreed with adopting an Ordinance as an immediate fix, however, pointed out that lot/structure should be cleaned up but could be accomplished at the next Comprehensive Plan update requirement. He noted there was language throughout the Comp Plan that should be placed in the LDC and also addressed at its next Comp Plan update cycle.

Consultant Arrant explained that the Plan would need to be amended in 2008 in order to update the five-year schedule. Removing "structure" could be accomplished at that time. He informed that a Senate Bill requires that prior to December each year the Comp Plan has to be amended to update the five-year schedule and approve adherence to conformity. He suggested the Commission begin the process in mid-summer.

In answer to the question posed by *Commissioner Mattick*, City Attorney Dye explained the "Zoning in Progress" provision that would protect the City in the event an applicant applied for a building permit during the time the issue was in the process of being clarified by an amendment process.

*City Clerk Baird* asked for clarification on when the next Comp Plan Concurrency Management System and five-year Capital Improvement would be required.

Consultant Arrant explained that he had completed the requirement in the EAR Amendment for 2008. The Commission would not be required to make an amendment in 2008 unless they had a capital project that comes in mind and was not included. The next amendment would be required in December 2009.

**ACTION:** It was the consensus of the Commission that City Attorney Dye be authorized to draft an Ordinance that defines the terms of lot and structure. This issue will be placed on the March 13, Work Session Agenda for Commission discussion.

**6. Discuss Proposed Amendments to Schedule of Fees.**

*Building Official Steve Gilbert* explained that the State authorizes establishing building permit fees for residential and commercial construction for the purpose of enforcing the building code in the City. The purpose of the fees is to defray the enforcing of the building code and activities.

A report on the Building Department activities followed. Mr. Gilbert explained that the City currently contracts this firm on a part-time basis each week. Unfortunately at this time the entire responsibilities of the Building Department cannot be met and he suggested the Commission consider what level of service the citizens want and desire and then how to provide that level to them.

Lengthy explanation followed by Mr. Gilbert relating to the statutory responsibilities and requirements of the Building Department and its involvement with the Community Rating Service (CRS) requirements, flood-plain development, etc. and what percentage of the costs should be from permit fees versus tax dollars. He suggested the Building Official should be a full-time position and to do so would take care of all the activities required of the department.

*Commissioner Mattick* suggested the Commission be provided with a breakdown of what would be needed by the professional aspects of the job and what of that could be followed up by clerical aspects.

*Commissioner Tollette* asked if there would be a significant cost savings if all three Barrier Island communities (Anna Maria, Bradenton Beach, and Holmes Beach) all coordinated their building department efforts and CRS required activities.

Mr. Gilbert answered that if the level of activities were combined by the three cities not only would it allow for greater CRS benefits but also greater funding availability through SWFWMD - the major area being a Unified Stormwater Management Board. He stated that the Federal Government assigns the CRS activities by City. However, an Island-wide Floodplain Manager might be worth exploring.

*Mayor Barford* addressed the proposed Fee Schedule prepared by Mr. Gilbert. She stated the City was presently losing money and every day that passes whereas the City is not generating the revenues it should be is a day lost. She asked how the City Commission would like to move forward.

*City Attorney Dye* advised the City is allowed to charge fees at a level allowing it to recoup its costs. A Resolution adopting a fee schedule would be required.

Discussion followed relating to the statutory requirements involved in the collection of building fees.

After discussion, Mayor Barford informed that Mr. Gilbert and Finance Director Percycoe had dedicated a lot of time in developing the proposed Fee Schedule.

She suggested that the Fee Schedule be adopted as presented in order to allow a tracking of costs / expenses in the Building Department. Staff can then make a recommendation closer to the next budget cycle whether or not a fulltime position should be implemented.

**MOTION: Commissioner Miller moved to direct the City Administration to draft a Resolution implementing the Planning and Land Use Fees as stated herein. Commissioner Tollette seconded the motion.**

*Commissioner Woodland* asked for clarification on the proposed building permit fee increase. Mr. Gilbert explained the purpose of the increase in detail and pointed out the fees were the same as those soon to be considered by the City of Bradenton Beach.

In answer to *Commissioner Mattick's* question, Mr. Gilbert informed the City is allowed to rollover funding to sustain one down year.

**ACTION: Motion carried – All Aye.**

**It was agreed that the Resolution will be drafted with an open effective date to be reviewed and determined at the March 13, 2008 Work Session and considered for adoption at the March 27, 2008.**

**7. Approve Resolution No. R08-633 for the Purpose of Modifying the Phase 1 Stormwater Project and Increase Line-of-Credit to \$1.5 Million.**

*City Clerk Baird* read the Resolution by title.

*Deputy City Clerk/Finance Director Percycoe* explained she had spoken with the Lending Institute. The City can draw either \$500,000 or \$1,000,000. She suggests the Commission approve drawing \$1,000,000. Ms. Percycoe informed that the Resolution and attachments had been revised to reflect the change. She explained the attachments and exhibits to the Resolution in detail.

**MOTION: Motion was made by Commissioner Woodland and seconded by Commissioner Tollette to adopt Resolution No. R08-633.  
On roll call vote – Motion carried – All Aye.**

**8. 420 Spring Avenue – Unabated Code Violation.**

*Mayor Barford* asked that the Commission reference the time line prepared by Building Official Steve Gilbert from April 21, 1980 through the present date relating to the 420 Spring Ave. unabated code violation.

Staff recommends that the Commission acknowledge that the property at 420 Spring Ave. is deemed to have complied with the abatement orders imposed in 1980 to 1981 and since that time has been in compliance with City Codes and

Ordinances in regards to the carport and garage improvement noted in the original order of abatement.

**MOTION: Commissioner Miller moved to approve the unabated code violation from 1980 to 1981 for 420 Spring Ave. Commissioner Mattick seconded the motion.**

*City Attorney Dye* explained there was earlier code enforcement action against the previous owner and no document bringing it to a close. The property was under contract for sale and the buyer discovered the Code Enforcement issue. Upon research, Building Official Gilbert has now concluded that the violation no longer exists and it should be closed on an official level. Upon approval, the City will be free to write a letter in response to an inquiry from the Title Company or appropriate entity.

**ACTION: Motion carried – All aye.**

**9. Payment for Comprehensive Plan Costs.**

See detail under Agenda item 2.k. – Mayor’s Report - Consulting Fees Due – Comprehensive Plan.

*Deputy City Clerk/Finance Director Percycoc* recommended the \$14,000 amount due be taken from the General Contingency Fund – current balance of \$106,237.00. She suggested the consulting fee costs end at the end of March 2008 to avoid having to pay for an additional quarter.

**MOTION: Commissioner Miller moved to pay the invoices from the Florida Institute of Governments for the two quarters ending March 31, 2008 for consulting fees relating to the Comprehensive Plan in the amount of \$14,000. Amount to be taken from the City’s General Contingency Fund. Commissioner Woodland seconded the motion.  
Motion carried – All Aye.**

**PUBLIC COMMENT**

*Michael Coleman*, 311 Pine Ave. clarified that the Commission would be discussing the intention of the lot / structure language and that an Ordinance would be drawn that clarifies the language.

*Chair Quam* verified that City Attorney Dye would be drafting an Ordinance clarifying the language.

**PUBLIC COMMENT – None**

**PRESS COMMENT - None**

**ADJOURNMENT**

**On motion made by Chair Quam and seconded by Commissioner Miller the meeting was adjourned at 8:53. Motion carried unanimously.**

**The next regular Work Session is scheduled for Tuesday, March 13, 2008 and the next Regular Meeting is scheduled for Thursday, March 27, 2008.**

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**Alice Baird, CMC, City Clerk**

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