

**CITY OF ANNA MARIA
REGULAR CITY COMMISSION MEETING MINUTES
MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
THURSDAY, MAY 29, 2008
7:00 P.M.**

CALL TO ORDER

Commission Chair 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, Public Works Director George McKay, City Planner Alan Garrett, City Attorney Jim Dye, City Engineer Tom Wilcox, Building Official Bob Welch, and Minutes Clerk Stacey Johnston.

Press present: Sun and Islander.

PLEDGE OF CONDUCT read by Chair Quam

1. Approve April 24, 2008 City Commission Meeting Minutes.

Commissioner Mattick pointed out that “absorbent” on page 7 should be corrected to “exorbitant”

MOTION: Commissioner Mattick moved that the April 24, 2008 City Commission Meeting Minutes be approved as amended. Commissioner Tollette seconded the motion.
Motion carried – All Aye.

2. Commission Reports

Theatre Report

Chair Quam reported that he, Public Works Director McKay, and a representative from the Theatre recently inspected the interior and exterior of the Theatre building. Public Works Director McKay will be making a list of all items that need repaired with repairs to be made within the next three months. A detailed report can be obtained from either Public Works Director McKay or Administrative Assistant Diane Sacca.

3. Mayor’s Report

Mayor Barford said she would defer all her comments due to the extensive agenda.

**4. Update on Proposed Gas Pipeline Near Shoreline
(Charlie Hunsicker – Manatee County)**

Mayor Barford informed that Anna Maria has a very serious issue off the north end of the Anna Maria Island due to a proposed gas pipeline near the shoreline.

Charlie Hunsicker, Director of Manatee County Conservation Lands Department, explained that the County has been made aware of the pending proposal by Port Dolphin LLC to construct a deep water transfer port to bring natural gas into the state via an underwater pipeline through the Gulf, coming ashore at Port Manatee. He stated that there would be serious drawbacks for Manatee County, and serious consequences for the Cities of Anna Maria, Bradenton Beach, Holmes Beach, and Longboat Key.

Mr. Hunsicker reported that the proposed pipeline undersea alignment would be laid down to cross directly over some of the best beach sand in the Gulf of Mexico. The County, only being advised of this a couple of weeks ago, have been working to understand why the pipeline has been placed where it has and why some alternatives had not been evaluated. However, they have been unable to get any answers from Port Dolphin LLC, only that they are not going to alter the location.

Consequences of the pipeline placement followed by Mr. Hunsicker including details relating to the beach renourishment programs and the possible added costs of approximately \$50 million to that program and its possible future demise. An additional property tax to the Island could result. Examples of the benefits of the renourishment program followed.

Mr. Hunsicker explained the sections of the report he brought that evening and provided an explanation of the four colored maps entitled "Proposed Pipeline Impacts to Regional Sand Resources" – with the final map providing pipeline placement alternatives.

According to Mr. Hunsicker, The Town of Longboat Key has retained a Washington Law Firm to represent them relating to this issue. He referenced a letter prepared by the firm that indicates Manatee and Pinellas Counties and the Town of Longboat Key are all filing comments on the DEIS asking DOT/MARAD and the USCG to reject the proposed pipeline route and select another alternative. It was noted that comments are due June 2, 2008.

The State of Florida has the jurisdiction and right to permit and comment on the pipeline as it passes from twelve miles offshore onto the land. He informed that the County is making efforts to work with the local representatives and the Governor to make sure that the State of Florida works with the County regarding the impact of the pipeline alignment. He noted that the evaluation process concludes on June 7, 2008.

Mr. Hunsicker said it would be helpful to include letters from all jurisdictions affected and asked that Anna Maria agree to participate. He said he recently spoke to Representative Vern Buchanan relating to the issue.

MOTION: Commissioner Miller moved to authorize the Mayor to submit a draft letter in opposition of the Port Dolphin LLC pipeline. Commissioner Tollette seconded the motion.

Public Comment

Georgia VanCleave, Magnolia Ave., said she attempted to send a letter of opposition to the Federal Docket Management facility, however, needed to locate Representative Buchanan's address. Ms. VanCleave explained the process she had to go through in order to mail the letter to the appropriate location. She pointed out that when letters are sent to the Washington address she was told that there is a delay period due to first having to go through anthrax clearings.

Ms. VanCleave read the opening and closing statements of the letter she sent.

Mr. Hunsicker confirmed that any sealed mail received in Washington is open to inspection. He suggested faxing any letters as they are directed to the appropriate Senator or Representative without delay.

ACTION: Motion carried – All Aye

5. Update on Phase I Stormwater Drainage Project.

City Attorney Dye informed a claim had been submitted through City Engineer Tom Wilcox's office from Atkins Construction involving the Phase I Stormwater Drainage Project. He informed the claim is for \$235,000 and is being reviewed very closely. He said he was not in a position to advise the Commission at this time as far as whether the claim is accurate. City Attorney Dye stated there is an extensive detailed process in the contract documents that have to be followed.

City Engineer Tom Wilcox reminded that a meeting was held earlier that month with SWFWMD. Engineer Wilcox mailed a letter to SWFWMD in response to the meeting for their approval. A letter was then received back from SWFWMD requesting that 1) a set of signed and sealed drawings be resubmitted, and 2) that the City resubmit a modified page three of the ERP application. It was Engineer Wilcox's opinion that SWFWMD were ready to accept the changes outlined in the letter.

A detailed explanation of the proposed changes to the Phase I Drainage Improvement Plans and the proposed changes to the Phase I agreement with SWFWMD/Manasota Basin Board followed by Engineer Wilcox. He informed he had received an e-mail from SWFWMD stating that all proposed changes to the Phase I agreement with SWFWMD/Manasota Basis Board had been approved and the City would be receiving a letter of confirmation shortly.

Commissioner Mattick asked if the money already spent on Phase I would be reimbursable even with the change in the Scope. She also asked how much the redrawing would cost.

Engineer Wilcox responded. He said the main issue is that no additional expenses are incurred before the line items are modified. The budget must be in place prior to spending the dollars.

Engineer Wilcox said he was in the process of putting together the costs for the redrawing of the project and the engineering costs involved.

In response to Commissioner Mattick's question of whether or not the project change would require an additional Public Hearing, Engineer Wilcox said holding an additional Public Hearing would be the decision of the Commission and that doing so would impact the Engineer's budget.

Commissioner Tollette asked for clarification on the amount of cost savings between the new project versus the previously bid project. Engineer Wilcox responded.

Commissioner Woodland did not feel an additional Public Hearing should be held for the project redesign. He explained how the original project presented to the public was much more extensive.

Commissioner Mattick said she was not comfortable with making a design of moving forward on the redesign and felt additional financial information should be reviewed first.

Engineer Wilcox estimated the engineering redesign, inspections, etc. to be an additional \$64,000. Discussion followed relating to the impact to the City as to whether the new bid would come in similar to the former Atkins' bid.

No confirmation of the next grant award had been received, however, Engineer Wilcox has been informed that it has been placed in the category of the highest ranking. The question will be whether or not there will be grant monies to issue.

Chair Quam stated that the project was needed and he did not feel delaying action for additional financial figures was necessary. He said if the project comes in at over \$664,000 then the City may have to cut back on the project. He pointed out that the survey costs would not be included.

Commissioner Mattick voiced concern regarding the Atkins' claim.

Engineer Wilcox reminded there is a Performance & Payment Bond and explained how the coverage works.

MOTION: Commissioner Woodland moved to authorize the Mayor to move forward with the Redesign of the Phase I Stormwater Drainage Project.

Public Comment

Rick DeFrank, Anna Maria, spoke in opposition to approving the redesign. It was his opinion that the only thing needed was to clean out the existing swales since the City had not addressed them since pre 1985. Mr. DeFrank did not feel a permit or any further engineering was needed.

Mr. DeFrank suggested a tree company be hired for removal of the trees in the right-of-way rather than utilizing an Engineer. He stated the City had spent over \$106,000 in engineering costs so far for Phase I and were not even approved for a permit by SWFWMD. It was his opinion that the engineering invoice should be eliminated.

He felt that Atkins Construction did what was asked of them and should be paid for their services.

Mr. DeFrank did not feel the residents should have to pay for the mistakes made to date. He stated there was no oversight by the project manager. Mr. DeFrank informed that Manatee County has a free Citizen Dispute Department in Manatee County and suggested Atkins and the City utilizes that department to begin settling the claim. He said another approach was to look into arbitration/flcourts.org.

Mark Alonzo, 406 N. Shore Dr., said he could only name three floods that have occurred in Anna Maria and suggested the money be invested and interest earned in the event a flood does occur.

ACTION: Motion carried on a vote of 3 to 2 with Commissioners Miller, Woodland, and Chair Quam voting Yes and Commissioner's Tollette and Mattick voting No.

6. Second Reading and Public Hearing – Ordinance No. 08-687 – Defining the Term “Lot/Structure” in Policy 1.3.5 of the Comp Plan.

City Clerk Baird read the Ordinance by title.

In response to a letter received from Attorney Jeremy Anderson, Lobeck & Hanson, *Chair Quam* asked City Attorney Dye if the proposed Ordinance was consistent with the Comprehensive Plan.

City Attorney Dye said it was.

City Planner Alan Garrett informed that the Planning & Zoning Board held a legally advertised Public Hearing relating to the proposed Ordinance No. 08-687 and brings forth a recommendation of denial.

Chair Quam said in reading the Statute, he felt it was clear that the first original Ordinance was consistent with the Comp Plan and the proposed Ordinance was now inconsistent. City Attorney Dye asked Chair Quam where he felt the inconsistencies were.

Commissioner Miller responded that the proposed Ordinance allows for two dwellings under one roof and felt it was a duplex and not a single-family dwelling.

City Attorney Dye stated that whether it is a duplex or single-family dwelling is not decided by the Comprehensive Plan but rather by the Zoning Code. For density purposes the Ordinance restricts whether the structure is joined by a roof to one individual lot and therefore maintains the density the Comp Plan sets up as far as one dwelling unit on each lot. He said the question is – under local policy – does it having a common roof with its neighbor turn it into a two-family dwelling. From a Comp Plan density calculation it would not change the dwelling limits within the Comp Plan. He informed that the Zoning Code can handle whether or not it is defined as a duplex or single-family home in its definitions. Typically a duplex is two dwellings on a single lot. However, the proposed Ordinance addresses having two dwelling units but they are on two lots, therefore, the density stays the same. He did not feel the “single roof” would throw it out of the Comprehensive Plan.

Commissioner Miller responded that the Comp Plan was clear in stating one structure per lot - one residential unit per structure. It also states that in the ROR District there shall be single-family dwellings. He said he was in agreement with the P&Z denial recommendation and agreed that the original Ordinance was fine.

Commissioner Mattick said all across the country there are numerous buildings joined together sharing a common wall and having roofs adjoining and are found in many small businesses. The fact that the density is not increased and the City already permits two buildings being joined together under one roof in the ROR in the zoning codes, she did not feel the Ordinance goes against the Comp Plan. It was her opinion if the City really wants to encourage development in the ROR District the best use of the lot space should be made. By bringing the buildings together will free up the space on the perimeter on the property to permit parking.

City Attorney Dye provided additional language to the proposed Ordinance due to it being a controversial issue. He said the key component is maintaining the fact there is a single dwelling on a single lot in order to keep the single-family characteristic. He suggested the following additional language in order to assert local policy.

“Section 3. New Subsection e.

The presence of a shared roof or other shared components shall not be construed as transforming the structures into a duplex or otherwise changing the nature of the structures from single-family residences.”

Commissioner Woodland did not feel voting for or against the Ordinance was pro-business or anti-business but felt it was smart development no matter what district it is.

He said he did not like voting for something he did not understand and would be voting against the proposed Ordinance since he did not fully understand it and was not comfortable with it.

Chair Quam stated the total ROR District needed to be reviewed in regards to parking, the 5,000 sq. foot lots, setbacks, etc.

Commissioner Woodland agreed and suggested another joint P&Z Board/City Commission meeting be held to discuss all the issues and then turn it over to the P&Z.

Commissioner Mattick disagreed and pointed out City Planner Garrett had suggested the ROR District be addressed at a later date, after other issues were finalized.

Planner Garrett agreed that a joint workshop should be held to discuss the ROR sometime in the future and pointed out that the proposed Ordinance would eliminate one of the aspects of the future discussion.

He informed that the Code currently allows for a zero lot line in the ROR District but it was not clear as to whether it would result in one structure or two. The proposed Ordinance clarifies that if two structures are placed together with one roof they still remain two structures – and can still remain a single-family unit due to having two structures.

In answer to *Chair Quam's* question relating to the tenant relationship, *City Attorney Dye* advised the proposed Ordinance did not change the existing requirement.

Commissioner Miller pointed out that Section 3 under 114-281 states one residential unit over the ground floor under “a” permitted retail service or office use.” He did not feel the language was clear.

City Attorney Dye stated that the Commission wanted to limit it to one retail or non-residential use and felt it should be clarified in the Ordinance. Stating “a” would reflect one of the uses allowed in the permitted use listing.

Public Comment

Tom Turner, N. Shore Dr., referred to his May 19, 2008 memo to the Mayor. He felt having two structures under one roof would be cause for problems of ownership, maintenance of the building, etc. He did not agree with approving language allowing one continuous roof and felt doing so - it would be a duplex. Separating the buildings and removing all language referring to “two structures under one roof” would allow for meeting the fire code requirements. Further comments followed and he agreed that another joint meeting should be held.

Michael Coleman, Pine Ave., said he never requested or desired a zero lot line for the Pine Ave. Restoration Project. He said if they did they could have done so under the existing Code.

Mr. Coleman said as a citizen he was very concerned on how the process had been followed relating to the proposed Ordinance. He pointed out that a joint session was held along with paid advice received from the City Attorney and City Planner.

Mr. Coleman suggested the Commission consider if they do or do not want mixed-use development along Pine Ave. As the Code is currently written, it will encourage three-story houses along Pine Ave.

Robin Wall, 112 Palmetto Ave., recommended not approving the proposed Ordinance and did not want to see multiple units joined together in the ROR. She stated that ROR is Residential, Office, Retail and not a business center. She said she would like to see the current small businesses on one lot maintained and protected along Pine Ave.

Ms. Wall gave the example of the structures on 408 and 410 Spring Ave., having two owners and each owning a lot and are joined together. She said the Manatee County records indicate the two as each owning half of a duplex. It was her opinion a joint P&Z / City Commission meeting should be held again.

Attorney Jeremy Anderson, Lobeck & Hanson, representing William and Barbara Nally, homeowners of 110 Spring Ave., addressed the Commission to explain why he disagreed with the City Attorney and City Planner. He provided a background of his experience and qualifications informing he addresses land use issues on a daily basis.

It was Attorney Anderson's opinion that in order to adopt the proposed Ordinance as written the City would need to either amend the Comprehensive Plan or amend the text. He quoted Section 163.3194(b), Florida Statutes that "All land development regulations enacted or amended "shall" be consistent with the adopted comprehensive plan...." Also, the City "shall" amend any inconsistencies to the LDR's or repeal them.

Attorney Anderson then discussed Policy 1.3.4 relating to residential uses shall be single residential dwellings. He quoted the Code's definition of building and duplexes. It was his opinion that the proposed Ordinance adjoining two structures sharing a single roof would be under one building and would be creating a duplex in that building. He then commented on what the City's current Code allows.

Sandy Mattick, 307 Pine, said she has one of the two persons that live and own in the ROR on Pine Ave. that actually have a business and live there. She felt everything the Commission had done was to try and take the citizens property rights away. She did not know what difference it would make as to whether her & her neighbor's roofs were joined or if there was a wall between the two properties. She said if not approved, only business would be encouraged and not residents living there.

Ms. Mattick said she would like the wording in the Comp Plan changed that forces the owner to occupy the residence up above. She said as a P&Z Boardmember, the original intent was to allow persons to use their property however they wanted.

Michael Coleman, Pine Ave., stated the key element of the Comp Plan is to encourage small-scale development in the ROR District. Originally it was to

provide an incentive for encouraging two levels of development and to keep from having three story structures along Pine. Examples followed.

Anna Maria business owner thanked the City for allowing his son's to open a business two years in the ROR but said he could not believe they were still in operation there at this point. He said there should be no community against business but should be what the community can do for the business section.

He said if things haven't changed within the next two to three years it would not be viable for their business to remain there.

Don Schroeder, Holmes Beach, Realtor representing Robert Hirsch who owns property on Pine Ave., suggested looking at the Ordinance as proposed as being a foundation of how the future has to be. He confirmed that Mr. Hirsch is in favor of the proposed Ordinance.

Mr. Schroeder said he recently met with the Bradenton Mayor who felt that residential places in combination with businesses were needed in downtown Bradenton.

Mr. Schroeder did not agree in holding an additional joint work session.

Chair Quam closed the Public Comments portion

City Planner Garrett responded to Attorney Anderson's comments stating he did not feel the proposed Ordinance was in conflict with the Comprehensive Plan. Planner Garrett provided a background of his experience and expertise. He confirmed that the Code currently allows two buildings to be joined together, however, there must be two owners.

City Attorney Dye said Attorney Anderson's letter did not state the Ordinance was inconsistent with the Comprehensive Plan it said it was not consistent with other provisions of the Land Development Code.

As far as statutory interpretation, City Attorney Dye informed if a reviewing agency would determine what the intent of the legislative body was, the rule is the most recent statement of the legislative body serves as the best evidence of what the intent is. Also, the body of the Ordinance states any other provision of the City's Code inconsistent with this Ordinance is considered repealed with respect to the inconsistency.

City Attorney Dye said he did not like the use of the slash in the Comprehensive Plan (lot/structure) and would like it taken out in the future, however, the proposed Ordinance would make it clear as to what a person can and can not do in the ROR District.

Commissioner Woodland referenced the Hunt lawsuit relating to Section 1.3.5 and that the Court did not interpret the intent of the City.

MOTION: Commissioner Mattick moved to adopt Ordinance 08-687 as amended. Commissioner Tollette seconded the motion. On Roll Call Vote, the motion carried on a vote of 3 to 2.
Commissioner Miller – No
Commissioner Tollette – Yes
Chair Quam – Yes
Commissioner Woodland – No
Commissioner Mattick - Yes

7. Discussion: Hotels/Motels being an Allowable Use in the Commercial District.

Commissioner Woodland said the objective for discussing the issue was to see if the Commission would agree to forward this to the P&Z for consideration.

Commissioner Woodland said he was surprised to see that hotels/motels were not allowed in Anna Maria though there are currently of number of motels in the Residential District that have all been grandfathered. He felt allowing inns, and bed & breakfast, etc. would be a benefit for the City in the Commercial District.

Planner Garrett confirmed that motels are currently prohibited in the C-1 District. The C-1 District could be amended to allow inns, bed & breakfast, hotels, or motels as a permitted use. He informed that P&Z would need to look at the density – how many transient rooms would be allowed per parcel, per acre, etc. An Ordinance can be crafted that includes specific standards.

Commissioner Mattick agreed pointing out additional dollars would be spent in the City along with the need for more bed tax.

Planner Garrett informed he had recently spoken with the owner of the motel at N. Shore & N. Bay who would like to tear down the motel and replace it with single-family homes there. He suggested that the City may want to balance the loss.

ACTION: It was the consensus of the majority of the Commission that Mayor Barford forward the desires of the Commission relating to Hotels/Motels being an allowable use in the Commercial District for their review and recommendation. Commissioner Miller was opposed.

8. City Charter Referendum.

a. Supermajority Vote on the Land Use Element of the Comp Plan - First Reading – Ordinance No. 08-688.

City Clerk Baird read the Ordinance by title.

City Attorney Dye informed the proposed Ordinance was modeled after the City of Sarasota's Ordinance.

After Commission discussion, the following changes were made to the proposed Ordinance:

- Separate "Supermajority" into two separate words – "Super Majority"
- Pg 2 – 2nd paragraph - correct "indicated" to read "indicates"
- Correct election date to read "November 4, 2008" throughout the Ordinance.
- Pg 3 – Section Two – Correct referendum question to read:
"The procedure for amending the Future Land Use Element of the City Comprehensive Plan shall "be"..."
- Pg 3 – Section Three – Change Ballot Question to read:
"Shall the City of Anna Maria Charter be amended as described in Ordinance 08-688, by establishing a requirement that "any amendment to"..."
- Pg 3 – Section Four – Change Ballot Title to read:
"Supermajority "vote" requirement for Anna Maria Future Land Use Element Comprehensive Plan amendments".

ACTION: During discussion, Chair Quam noted it was 9:05 p.m. Commissioner Miller moved to continue the meeting until the end of the Agenda. Commissioner Woodland seconded the motion. Motion carried – All Aye

Commissioner Mattick said she hoped the residents would educate themselves on what the Ordinance would mean. She felt placing control on what could or could not happen in the City in the hands of two individuals is a big mistake. It was her opinion that a simple majority should effect the decisions of the City regardless of whether it would be the Comprehensive Plan or anything else.

Chair Quam said he did not see a problem with requiring more votes.

Commissioner Miller asked for a point of order, stating the agenda item was not regarding the concept but rather whether it should go before the voters.

Public Comment

Robin Wall, 112 Palmetto, asked for clarification relating to the Ballot Question language and asked if were a Yes or No question.

City Attorney Dye confirmed it is required that the Ballot Question be drafted for a Yes or No answer only.

Sandy Mattick, 307 Pine Ave., said she was against having the question placed on the ballot and felt all safeguards are already in effect. It was her opinion that the Commissioners are elected to make the decisions for the City.

Michael Coleman, Pine Ave., felt a super majority could be a bad idea. He used the example of the "lot/structure" issue.

Mr. Coleman said he trusted that the current and future Commissions would make the appropriate decisions for the City.

ACTION: The Second Reading of Ordinance No. 08-688 will be held on June 26, 2008.

b. Changes Proposed by Charter Review Commission (fonts, formatting and periods added plus elimination of transition language)

First Reading – Ordinance No. 08-689.

City Clerk Baird read the Ordinance by title.

Deputy City Clerk/Finance Director Percycoe said after reviewing Section 1.04. Disbursement of Funds of the City Charter, she suggested, "All public monies shall be disbursed only on warrants or drafts to be signed by either the Mayor or Deputy Mayor and countersigned by the Treasurer" be stricken and replaced with "All public monies shall be disbursed in accordance with procedures established by an ordinance."

Ms. Percycoe asked that an Ordinance be drafted and adopted that addresses electronic transfers. She said she is now required by the Florida State Retirement to transfer pension contributions by electronic transfers.

Also, warrants or drafts are an old terminology.

City Attorney Dye stated the Ordinance had not been advertised yet and the title could be changed - or Ms. Percycoe's recommendation could be presented as a separate question.

ACTION: The Commission agreed that the language presented by Deputy City Clerk/Finance Director Percycoe be placed in Ordinance No. 08-689. The Second Reading of Ordinance No. 08-689 will be held on June 26, 2008.

c. **Discuss Charter Review Commission Request to Have the Charter Commission's Proposed Amendments Placed to a Vote of the Electors.
Proposed Language for Amendment of Sec. 9.03 Election procedure:**

"The Charter Review Commission, after two public hearings and upon approval by an affirmative vote of four (4) members, shall file any proposed amendments to the Charter, if any, with the City Commission who shall place the proposed amendments to a vote of the electors at the next general election held within the City.

Chair Quam said he did not support the language that was being proposed by the Charter Review Commission – Sec. 9.03 Election Procedures – that increases the power of the Charter Review Commission. He recommended that the Charter Review Committee be kept as a recommending body only.

Charter Review Commission Chair Tom Aposporos addressed the Commission to explain the reason for the proposal. He stated that after completion of the Charter review by the Charter Review Commission they really know more about the Charter than anyone except for the Commission. The logic behind the amendment is to place the Charter Review Commission on equal footing and allow the Charter amendments to go directly to the electors. He pointed out that the Charter Review Commission is composed of five members and a vote of four is required to approve any changes to the Charter.

Commissioner Woodland said after attending most of the Charter Review Commission meetings, he supported the proposed amendment. He gave the example that if the Charter Review Commission would have had the opportunity to decide if the Super Majority vote should be placed on the ballot they would have been opposed, whereas, the Commission has said yes.

It was his opinion the proposal would serve as a true check and balance and a good thing for the citizens. He pointed out that the City Commission could still make changes to the Charter.

Lengthy discussion followed.

Commissioner Miller pointed out that the City Charter is a document on how the City Commission will run the City. It was his opinion that the City Commission acts as a check and balance as to the recommendations of the appointed boards.

Mr. Aposporos reminded that the main recommendation of the Charter Review Commission was recommending the Charter be corrected from five years ago.

Chair Quam stated that in the last seven years, the City Commission had not rejected any of the Charter Review Commission's recommendations. He thanked Mr. Aposporos and his committee for all their hard work.

ACTION: After discussion, it was the consensus of the Commission to not approve the proposed language for amendment of Sec. 9-03 Election procedure and leave the language as it currently exists.

9. Adopt Resolution R08-636 – Code Enforcement Fees.

City Clerk Baird read the Resolution by title.

Mayor Barford informed that the Code Enforcement fees had been pulled from the Fee Schedule for clarification purposes. The equipment and abandoned property not requiring code action have been listed in the Resolution.

Building Official Welch reviewed and explained in detail the administrative changes and the purpose for the changes he proposes.

Mayor Barford noted that the abandoned property is tagged and stored at the Public Works Department.

After discussion and explanation of all new changes, the following action was taken:

MOTION: Commissioner Mattick moved to approve Resolution R08-636, as amended. Commissioner Miller seconded the motion.
On Roll Call Vote the motion carried unanimously.

10. CONSENT AGENDA

a. Reappoint Planning & Zoning Board Members:

Doug Copeland & Mike Yetter (Terms Expiring: July 2011)

b. **Special Event: Friday Fest – June 27, 2008 – AM Chamber
101 Bay Blvd & Pine – 5:00 p.m. to 10:00 p.m.**

Chair Quam asked that item b. be removed from the Consent Agenda and considered separately.

MOTION: Commissioner Woodland moved to approve Consent Agenda item #10.a. Commissioner Miller seconded the motion.
Motion carried – All Aye

b. **Special Event: Friday Fest – June 27, 2008 – AM Chamber
101 Bay Blvd & Pine – 5:00 p.m. to 10:00 p.m.**

Chair Quam pointed out that there would be several more portable toilets at this year's event, which was a great improvement. He then asked if the sound could be turned down.

Mayor Barford informed that the City had received one noise complaint as a result of the last event. She will relay Chair Quam's concern to the Chamber.

**MOTION: Commissioner Miller moved to approve Consent Agenda Item #10.b. Commissioner Woodland seconded the motion.
Motion carried – All Aye**

2. REPORTS AND UPDATES.

- 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)

PUBLIC COMMENT

Mark Alonzo, 406 N. Shore Dr., made reference to the Trolley issue as discussed on February 8, 2008.

Mr. Alonzo said he spent the past year looking into the concerns of the Mayor and Commission. He stated that in the event of a hurricane the humpback bridge and the Crescent Street bridge would be okay and pointed out the school buses go over the bridges daily.

Mr. Alonzo said he would address all other concerns at the next meeting.

PRESS COMMENT – None

ADJOURNMENT

On motion made by Chair Quam and seconded by Commissioner Tollette the meeting was adjourned at 10:03 p.m. Motion carried unanimously.

The next regular meeting is scheduled for Thursday June 26, 2008.

Alice Baird, CMC, City Clerk

Minutes approved: _____