



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION SPECIAL MEETING FEBRUARY 11, 2016 – 6:00 P.M.

**Pledge of Conduct:** We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

### CALL TO ORDER

Chair Copeland called the meeting to order at 6:00 p.m.

### PLEDGE TO THE FLAG

### ROLL CALL

**Present:** Mayor Dan Murphy, Vice-Chair Nancy Yetter, Commissioner Dale Woodland, Commissioner Chuck Webb, Chair Doug Copeland, and Commissioner Carol Carter.

**Also Present:** City Clerk Diane Percycoe and City Attorney Becky Vose.

**Press:** Sun and Islander.

General Public Comment regarding non-agenda items and items not scheduled for future agendas will be taken at the beginning of the meeting with a limitation of three minutes. The Commission's intent is that General Public comment is to be used for the public to inform the Commission of new issues within the City. Public Comment regarding agenda items will be taken with each agenda item with a limitation of three minutes.

General Public Comment – None.

### 1. Florida Gulf Coast Vacation Homes, LLC, d/b/a Anna Maria Vacations, a Florida limited liability company, vs. City of Anna Maria

*Mayor Murphy* announced the City had been served with a lawsuit from Florida Gulf Coast Vacation Homes, LLC regarding the Vacation Rental Ordinance.

Mayor Murphy asked that the Commission disqualify Judge Laken from hearing the case. He reminded Judge Laken's wife has a real estate license with Island Real Estate, and would have significant financial gain or loss based upon the Ordinance as crafted. Also, the Plans Attorney in this case, Randolph Smith, was a partner with Judge Laken in the same law firm in the past.

Public Comment – None.

### ➤ Motion: Move that Judge Laken be asked to be disqualified from the Florida Gulf Coast Vacation Homes, LLC, d/b/a Anna Maria Vacations, vs. City of Anna Maria case.

**Action:** Approved. Moved by Vice-Chair Nancy Yetter, Seconded by Commissioner Carol Carter.

**On Roll Call vote, the motion carried unanimously.**

*Commissioner Woodland* noted the lawsuit asks for a Declaratory Judgment versus a monetary award. He asked if the City, as the defendant, could also ask for a Declaratory Judgment.

*City Attorney Vose* agreed the City could have a counter-claim but was unsure where the City would want to go with it. It was noted no specific properties were listed as part of the lawsuit – only the entity managing certain rental properties in Anna Maria.

*Commissioner Woodland* reminded the City had previously asked for a Declaratory Judgment as far as the legality of the City based on the Comprehensive Plan and vacation rentals in the City. He felt if the City were to receive notice in favor of the City on the Declaratory Judgment that Vacation Rentals were illegal, then it may be possible for the City to then make its own regulations. Stating he was unaware of anyone not wanting to allow Vacation Rentals, the City's code would then need amended to allow for them under the conditions specified by the City Commission.

*City Attorney Vose* felt the Vacation Rental Ordinance is valid as written. In the event the Comprehensive Plan prohibited Vacation Rentals, and the City received a court judgment stating that ruling, it would not automatically allow the City to then change the Ordinances. The argument in regard to the Comprehensive Plan was that it was enacted prior to 2011 – prior to the change in the Florida Statutes – and whatever was enforced then was still valid.

City Attorney Vose continued that the City is not permitted under Florida law to issue a development order (building permit) in violation of the Comprehensive Plan. If receiving a Court ruling the Comprehensive Plan states vacation rentals are illegal, the City would then not be allowed to issue any Building Permits for that purpose. The ruling would not open the ability to begin regulating Vacation Rentals if they are found to be illegal. In addition, it would require the City to change the Comprehensive Plan.

*Commissioner Woodland* questioned the building permit, feeling a Vacation Rental is more of a use issue versus being built as a Vacation Rental – that could also be a residential home. Discussion followed.

*Commissioner Webb* asked if the discussion would be more appropriate for a Shade Meeting as far as discussing any counterclaim.

*City Attorney Voss* asked for legal advice on how to handle the lawsuit received and on any possible counter-claim the City may wish to bring.

- **Motion: Move that a Shade Meeting be held and that the Mayor and staff coordinate a time and date for the Meeting.**

**Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Vice-Chair Nancy Yetter.**

**Motion carried – all Aye.**

*City Attorney Vose* announced the Plaintiff's attorneys will be scheduling an emergency injunction hearing on the case.

**Public Comment – None.**

**2. Ordinance #16-811 – First Reading – Repeal Moratorium**

*City Attorney Vose* read the Ordinance title.

**Public Comment – None.**

*Chair Copeland* informed Ordinance #16-811 will be presented to the Planning & Zoning Board on Tuesday, February 16, and for the Commission's final approval on Thursday, February 25.

**3. City Pier Study Results**

*Mayor Murphy* announced the process is moving forward in regard to the City Pier. The report has been received and distributed to each Commissioner. Each Commissioner has been individually scheduled to meet the next day with the Engineer and County officials to discuss the study, any questions, scope, size of the project, what work needs to be addressed immediately, and what can be done over time. After the meeting, the long and short-term project plan will be established. Cost comparisons will follow with funding methods to be sought. Mayor Murphy will bring in an expert Project Planner, and hopes to have the details completed by the end of March.

All information has been provided to the Pier tenant and his manager. They will meet with Mayor Murphy on March 18.

**Public Comment – None.**

**4. Delivery Trucks on Pine Avenue.**

Item pulled from Agenda by Mayor Murphy.

5. **Special Event: “The Vintage Flea” across from Ginny & Jane E’s – March 6, 2016 – 8:00 a.m. to 4:00 p.m.**  
*Chair Copeland* referred to Public Works Director McKay’s memo relating to requesting a letter from the landowner that authorizes use of the property.

**Public Comment – None.**

**Motion: Move to approve the Special Event for “The Vintage Flea” to be held on the lot across from Ginny & Jane E’s on March 6, 2016 – 8:00 a.m. – 4:00 p.m. contingent upon property owner’s written approval.**  
**Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Carol Carter.**

6. **Special Event: Easter Egg Walk on Pine Avenue - Also, to request to waive fees – March 26, 2016 – 9:00 a.m. to 11:30 a.m.**

*Commissioner Yetter* asked if the proceeds go to any charity.

*Mayor Murphy* informed fees were waived the previous year based upon it being a children’s event.

*Chair Copeland* informed no profit is made off the event.

**Public Comment – None.**

**Motion: Move to approve the Special Event and waive fees for the Easter Egg Walk on Pine Avenue to be held on March 26, 2016, 9:00 a.m. to 11:30 a.m.**  
**Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Dale Woodland.**  
**Motion carried – All Aye.**

## 7. Mayor Update

### Resignation of Planner Alan Garrett

*Mayor Murphy* announced earlier that morning Alan Garrett had presented him a letter of resignation from his position of City Planner. His contract requires a 90-day resignation notice and Mr. Garrett has asked the City to move quickly to find his replacement to allow him the opportunity to begin his new work assignment. Mayor Murphy stated he has already begun to make that happen.

Mayor Murphy thanked Alan Garrett for all his contributions to the City of Anna Maria over the years, and wished him well at his new worksite. In response to Commissioner Yetter’s questions, Mayor Murphy confirmed Mr. Garrett would be working in Bradenton Beach.

*Chair Copeland* echoed Mayor Murphy’s comments stating Mr. Garrett had provided the City with a good service over a long period of time. His knowledge of the City’s Ordinances and its history was great, and he has done a fine job.

### Cell Tower Artwork Update

The artwork for the Cell Tower will start to go up next week.

### City Pier Comfort Station Update

The City Pier Comfort Station project is still progressing and still on target for completion at the end of February. The stations will have automatic locks at sunset. Video surveillance cameras will also be installed.

### Periodic Audits on Building Projects

*Mayor Murphy* will be starting a new project with the Building Department for periodic and intermittent audits of building projects. The City will be auditing projects by utilizing a surveyor to randomly spot-check and make sure everything matches correctly. The new program should be launched within the next week.

*Commissioner Carter* informed some municipalities, prior to the issuance of the Building Permit, will put up “story poles” that provides information relating to the size, etc. of the proposed building.

**8. Commissioners Update**

Agenda Priority List Discussed

*Commissioner Woodland* noted he had written an Agenda Priority List approximately a month earlier.

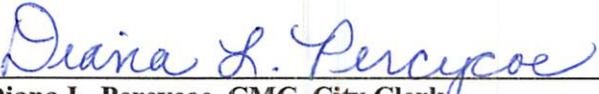
*City Attorney Vose* confirmed it would not violate the Sunshine Law for a Commissioner to send a one-way memo to the Commission Chair to request an item be placed on an Agenda. She suggested, however, it would be best to send all correspondence through either the Mayor or City Clerk.

*Commissioner Woodland* asked that an item be placed on a future agenda for the discussion of an Agenda priority list.

As requested by Commissioner Woodland, *Chair Copeland* asked that City Clerk Percycoe add an item on the next meeting agenda for discussions of an Agenda Priority List. He encouraged each Commissioner to bring forth any items to the next meeting they felt should be placed on the priority list for future Commission discussion.

**Adjournment**

**Chair Copeland adjourned the meeting at 6:36 p.m.**

  
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Diana L. Percycoe, CMC, City Clerk

Minutes approved: April 28, 2016