



CITY OF ANNA MARIA

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MINUTES CITY COMMISSION SPECIAL MEETING APRIL 14, 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, Commissioner Dale Woodland, Commissioner Chuck Webb, Chair Doug Copeland, and Commissioner Carol Carter.

Absent: Vice-Chair Nancy Yetter.

Also Present: City Clerk Diane Percycocoe, Deputy Clerk II/Finance Debbie Haynes, City Attorney Becky Vose, and City Planner Bruce McLaughlin.

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.

1. General Public Comment - None.

2. AMI SUNTrail Presentation/Discussion - Schedule of Activities for Bike Path – *Engineer Lynn Burnett*

Engineer Burnett presented the Commission with a handout relating to information involving the proposed AMI SUNTrail. She provided an explanation and review of the following:

- Presented cover page from Sarasota/Manatee Long-Range Transportation Plan adopted December 2015.
- Map adopted as part of the Sarasota/Manatee Long-Range Transportation Plan showing the 2040 adopted needs for Sarasota/Manatee County areas. Anna Maria was adopted as a “needs for bike lane, shoulder-designated, etc.” Area included all of Anna Maria Island from Pine Avenue to connection of Longboat Pass.
- Tampa Bay Regional Transportation Authority (TBRTA) longer-range regional trails map prepared May 2015 to be adopted in 2016. Said map shows connectivity in progress in central Florida and will connect statewide.
- Explanation of a “complete street” was provided.
- Definition and explanation of the proposed SUNTrail.
- FDOT is taking the lead on the project.
- Island Transportation Planning Organization (ITPO) plan and strategy for Anna Maria Island – including the need to reconstruct the infrastructure for the mobility, safety of residents, and large number of tourists. Options are consistent with all three Island Cities Comprehensive Plans. Explanation followed.

Engineer Burnett presented the strategy for moving forward with the SUNTrail on Anna Maria Island. The main routes running tip-to-tip were shown, with connecting points at Palma Solo and Longboat Pass. She explained a 50-ft right-of-way along Gulf Drive is required – where in most cases the 50-ft. is available, and in some cases more than 50-ft. is available. Currently there are two 12-ft. travel lanes for the cars, with 4-ft. bike lanes attached to either side, utility poles, and in some cases having a sand strip and 5-ft. sidewalk on one or both sides of the street.

Details followed on how replacing of the sections, within the corridor, would occur to allow for the new SUNTrail. Making the changes would allow for a 10-ft. wide bi-directional bike trail on one side of the street, with an 8-ft. concrete pedestrian walk on the other side of the street.

All three Island Cities have been working with SWFWMD on its water management program. As part of that effort, longer-range five-year programs have been built into the program that will allow building sections of drainage within

any of the corridors and rights-of-way in the three Cities. Where the new paved trails would be would have the infiltration system underneath that accommodates for drainage, along with the 3-ft. section in-between the paved trail and streets would be the entry point to allow water to get into the system and infiltrate into the ground for connection to the pipes for the outfalls. 100% of the drainage would be accomplished.

An application for assistance and funding was submitted last year to the MPO on the State Road south of Manatee Beach. That application was approved and will accomplish the foundation and framework on which the future trail system can be built.

Engineer Burnett then explained the status and meetings held as far as funding, and relating to Manatee County's hiring of a consultant to put together a TIGER Grant for reconstruction and creation of multi-use trails at Coquina Beach. Requirements for the grant was requiring needs totaling \$5 million. Once finding out about Anna Maria Island's preparations, Manatee County agreed to include the Island's project as part of the federally funded TIGER Grant.

Explanation followed on the different Phases and what will be required to move forward. Engineer Burnett informed the next right-of-way being constructed for the drainage projects will be Gulf at the southern City limits - up to Willow. Construction will start in the next few months of that infiltration system, and will be funded with assistance by SWFWMD. That project will serve as the foundation for the future trail. The complete SUNTrail would then be completed by 2040, with the goal of being completed sooner if the TIGER Grant and other funding is found.

Engineer Burnett asked for Commission consensus to move forward. Neighborhood workshops would be held and will begin in Holmes Beach next month. She noted both Bradenton Beach and Holmes Beach are on-board, along with FDOT. Commission questions followed.

Public Comment – None.

Engineer Burnett announced the TIGER Grant is due April 29, 2016, with upload to the Federal Government's website deadline being April 26, 2016. With the County's consultants, everyone is on-track to meet those deadlines.

3. Ordinance 16-812 – Final Public Hearing - ROR - Occupancy Limit – City Attorney Vose
City Attorney Vose read the Ordinance title.

City Attorney Vose explained the Ordinance will place occupancy limits in the ROR District. It does not apply to dwellings where Site Plans were approved by the City Commission. That exception will not, however, apply to Site Plans amended after the date of the Ordinance. Said Ordinance will limit occupancy to two persons per bedroom – plus two people, for maximum occupancy of eight people. The Ordinance applies to both single-family dwellings and to residential over retail.

Commissioner Webb did not recall approving occupancy as part of the Site Plans on Pine Avenue. He suggested language stating "where the Site Plan specifically addresses occupancy" be added.

Commissioner Woodland agreed stating the approved Site Plans did not address occupancy.

Examples followed relating to how an existing Site Plan could be amended – which would end the Ordinance exception.

City Attorney Vose voiced concern noting PAR had filed a lawsuit challenging the Vacation Rental Ordinance. She stated part of their concern could have related to the occupancy requirements. If not a real need for the restriction, she did not want to lead the Commission down a path resulting in another lawsuit.

Chair Webb noted PAR's upper units have four bedrooms. He suggested the Ordinance be continued in order to advise PAR of the Commission's discussions that evening.

*Chair Copeland opened the public comment portion of the Hearing.
Hearing no public comment, Chair Copeland closed the Public Hearing.*

Chair Webb did not feel PAR had any vested rights in this situation.

Motion: Move that the Second Reading and Public Hearing of Ordinance 16-812 be continued to the time and date certain of Thursday, May 12, 2016, 6:00 p.m., and authorize Mayor Murphy to contact the principals of PAR.

**Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Dale Woodland.
Motion carried – All Aye.**

4. Ordinance 16-811 – Continued Final Public Hearing – Repeal Moratorium – City Attorney Vose
City Attorney Vose read the Ordinance title.

Chair Copeland informed there were 11 criteria the Commission wanted met in order to remove the moratorium. He asked for an update.

Commissioner Webb voiced concern that with the people who could build more than the max (allowed more than the maximum number of bedrooms) - but did not have the restrictions placed on the property.

City Planner McLaughlin responded for persons building a six bedroom home, they would still be restricted to the maximum occupancy as adopted by the City. Nine have applied for the occupancy exemption so far. If a property had slipped through and had built six bedrooms, for example, they would still fall under the Vacation Rental Ordinance - and only be able to rent to eight people.

Chair Copeland informed he attended the court hearing when the Judge made the decision the City could allow for a maximum occupancy.

Commission discussion followed. *Commissioner Carter* suggested the City could cross-check properties built since the moratorium, and then do an inspection with regard to the number of bedrooms built – and then determine if they did, or did not, sign the covenant.

Commissioner Webb agreed, but felt if the Moratorium Ordinance was repealed, and if the City were to find someone put in six bedrooms without any restriction, he questioned if the City could do anything about it at that point.

Mayor Murphy recommended the Ordinance be postponed to allow time to allow City Attorney Vose to weigh in on the concerns, and when all Commissioners are in attendance.

Chair Copeland asked if continuing the Ordinance to the next meeting would allow time for staff an opportunity to check if the applicants having Building Permits issued for more than four bedrooms during the moratorium period have filed a covenant.

Mayor Murphy felt there should be time.

*Chair Copeland opened the public comment portion of the Hearing.
Hearing no public comment, Chair Copeland closed the Public Hearing.*

Commission discussion followed.

Motion: Move that the Second Reading and Adoption of Ordinance 16-811 be continued to the time and date certain of April 21, 2016 at 6:00 p.m.

**Action: Moved by Commissioner Chuck Webb, Seconded by Commissioner Carol Carter.
On Roll Call Vote, the motion carried on vote of 3 to 1 with Commissioner Dale Woodland voting No.**

5. Priority Agenda List

a. Right of Way Parking

Commissioner Woodland addressed his request to place this item on the Priority Agenda List, stating he was referring to expanding all right-of-ways in the City. When discussing expansion in the 100 Block, *Commissioner Woodland* also recommends expanding it to all other blocks also. He said one reason was to give some relief to the residents. He felt the burden on the residents will continue to grow.

Commissioner Webb and *Chair Copeland* did not feel those additional blocks need regulated. Explanation followed.

Commission discussion continued.

Public Comment

Alex Waggenaar, 115 Hammock, felt the issues of cars was important, and that it ties to the other issues discussed that evening. If giving the 50-ft. right-of-way all to cars, he felt it would create more congestion, and all cars would be lining the side of the roadways – as they currently do on North Shore. He was concerned allowing the parking trend to continue all over the Island, in another 10 years, every square foot of pavement would be occupied by a non-moving vehicle. In addition, the quality of life being fought so hard to maintain, will be destroyed.

Consensus: The discussion relating to Right-of-Way Parking will be placed on a future Work Session. The map showing parking spaces will be made available for the Commission's review.

b. Protect Beach Accesses

Chair Copeland informed except for some having 50-ft. wide beach ends, he took pictures of the beach ends on the Bay side from Bean Point to South Bay for the Commission's review.

Commissioner Woodland voiced concern about blocking the beach ends, feeling the beach needs to be accessible. He also referred to the space taken up by contractors, noting that issue should be addressed by Code Enforcement.

Commissioner Carter suggested if the split-rail fence is put up to allow for delineation, the street numbers could be added on the fence. She also felt it would discourage Segways.

Discussion followed relating to problems that have occurred.

Public Comment – None.

Consensus: Discussion relating to Protecting Beach Accesses will be placed on a future Work Session. Mayor Murphy will bring back recommendations for delineating and opening up the accesses.

6. City Pier Update – Mayor Murphy

Mayor Murphy informed the City Pier Engineering Report has been received with repairs estimated at \$1.7 million. Permitting is estimated at two years, with one year for construction - for total timeframe of three years for completion. *Mayor Murphy* estimated an expense of closer to \$2 million with a more accurate completion timeframe of up to four years.

Mayor Murphy met with the City Pier tenant, Mr. Schoenfelder, who has indicated he does not feel responsible for the repairs. Mr. Schoenfelder's letter received addresses his financial interest in the event the City is interested in renegotiating the lease.

An estimated cost of close to \$200,000 has been received from the Engineering Company for proceeding with the permit. After discussions with Manatee County and TDC, County Administrator Hunzeker has indicated he will make the recommendation that the TDC would provide the City matching funds of up to \$1 million.

Other funding sources are also available. Mr. Brennan has researched State Historical Site Grants and found the City has the capability of being awarded up to one and a half million dollars. That process could take up to two years and

the City will, however, need to take some steps to be in a position to apply for those grants. The City would ask Mr. Hunzeker to forward-fund the project.

Other options over the next couple of years would be a one-half percent sales tax increase. If approved by 2017, the City has the potential of receiving approximately \$200,000 per year.

Commissioner Woodland felt what was proposed for the City Pier was the same that had been done on the Rod & Reel Pier. He noted the Rod & Reel report was available for review.

Chair Copeland felt the Rod & Reel Pier project was completely different than the City Pier project will be.

Mayor Murphy referred to some of the news articles that most likely employees will not be able to work at the City Pier for an approximate two-year period of time. He clarified that people will not be out of work before then.

Commissioner Carter commended Mayor Murphy for working with Manatee County and the TDC. She noted she had received information from the ManaSota League of Cities that the State allowed three counties in the panhandle to have additional funds from their TDC for public safety and other tourist-related issues. This may now open the opportunity for Manatee County to go to the State Legislature to request extra resources into the Anna Maria City Pier.

Public Comment – None.

7. Discussion: Grand Tree Ordinance Revision

Chair Copeland informed since the last meeting, he has researched and found that Sarasota County and Tampa's Grand Tree Ordinances are 44 pages, Broward County's is 27 pages, the International Society of Arborists Guidelines for Writing Tree Ordinances was 144 pages, with references, along with the State Mangrove Protection documentation being over 15 pages.

Chair Copeland said he does not want to see the Grand Trees in Anna Maria cut down, but does not want to see the Ordinance being too complex. He suggested the Commission determine what trees they are wanting to protect.

Discussion followed relating to ficus trees, mangrove requirements, and trees the Commission would and would not want to protect.

City Attorney Vose clarified a person would have to come in and register they plan to take out a tree. Someone from the City would then go look at the property. Criteria would be required. She reminded she would need a listing of the different trees for writing the Ordinance revision.

Public Comment

Micheal Coleman, Pine Avenue, said he hopes the Commission will keep the Ordinance simple. A lot of trees are not supposed to be here, and for someone to come in every time they want to cut down a tree which should have been removed a long time ago, would take up a lot of staff time. He suggested a limited species list be crafted.

Mr. Coleman asked for clarification relating to Agenda Item # 3. *Commissioner Webb* informed the Ordinance had been continued, and that Mayor Murphy will be contacting Mr. Coleman.

Chair Copeland will prepare a listing of trees he felt should be placed on the protected list.

Motion: Move to place the discussion of Grand Tree Ordinance Revisions on a future Work Session.

Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Carol Carter.

Motion carried – All Aye.

8. Mayor Update

Announcement of Debbie Haynes as Deputy Clerk

Mayor Murphy congratulated Debbie Haynes on her second day on the job as Deputy Clerk for the City of Anna Maria. He said Ms. Haynes comes to Anna Maria with a wealth of experience, and is a welcome addition to the staff.

9. Commissioners Update

Sign Posts at Beach Ends

Commissioner Webb informed when walking along Magnolia, he saw 5 or 6-ft. 4x4 posts placed in the middle of the bridge access halfway between the end of Magnolia and the water's edge. He stated the Commission had approved signage at the end of the bridge access – but not in the middle of the beach.

Commissioner Webb suggested they be moved landward so the people can tell what access it is – but not in the middle.

Commissioner Webb reminded as stated in the Charter, the Commissioners cannot direct staff. Commissioners can ask to be provided information, but the Mayor is responsible for directing staff.

Mayor Murphy said he was unaware the posts were located where they were. However, staff is in the process of moving them to the appropriate location.

Adjournment

The meeting was adjourned at 7:57 p.m.


Diana L. Percycoe, CMC, City Clerk

Minutes approved: April 28, 2016