



CITY OF ANNA MARIA

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MINUTES CITY COMMISSION WORKSESSION/REGULAR MEETING MAY 26, 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, Deputy Clerk II/Finance Debbie Haynes, City Attorney Becky Vose, and City Planner Bruce McLaughlin.

Press: Sun and Islander.

WORKSESSION

Worksessions provide the Commission with an opportunity to informally discuss topics of common concern and interest and to exchange ideas with staff. In order to make efficient use of time, public comments and questions generally are not entertained during worksessions. Public Comment is taken at meetings such as Regular Meetings and Special Meetings where action items are officially voted on.

1. Discussion: Right-of-Way Parking

Chair Copeland informed Commissioner Woodland had added this item on his Commission discussion priority list. He had mentioned eliminating parking on one side of North Shore Drive, and also for extending the alternate road sides into the rest of Anna Maria. Mayor Murphy is working on the larger plan that includes North Shore. One side of North Shore will have no parking to provide for the proposed bike path. The Commission will need to determine if the 200, 300, and 400 blocks in the City should be extended for no parking on one side of the street in those hundred blocks.

Commissioner Woodland identified the problem stating the increased parking on the right-of-way of residential streets has become burdensome to neighborhoods. In some cases, safety issues for pedestrians and bikers has been created.

Since the alternate side of the street parking was adopted in 2003, Commissioner Woodland has been paying attention to the parking issues during the busy holidays. From 2003 to 2009, he saw very little parking in the 200 blocks of streets. That changed, however, beginning around 2010 to current. As far as expanding the alternate side street parking throughout the City, he now feels it should be expanded only to the 200 block – possibly the 300 block - and also on North Shore.

Commissioner Woodland suggested each Commissioner takes advantage of the busy upcoming Memorial Day weekend to observe the parking. Comments followed relating to seeing those coming here for the day who will stop to upload their things for the beach, and those that will carry their things from the 200 to 500 blocks to the beach.

Commissioner Yetter felt the designated parking on Beach Street was worthless. In order to park a car in that area, and get all four tires off the pavement, will require people having to get out on the driver's side only. She suggested the streets and designated parking spots be looked at to insure they are being utilized properly.

Commissioner Carter noted part of the 200 block of Willow will be utilized for the new bike path. Also, east of North Shore there are a lot of properties having grass right up to the roadway.

Chair Copeland was not sure anything would be solved with pushing the parking further into the interior of the City. Explanation followed.

Commissioner Webb felt any parking changes should be done City-wide. He further noted Magnolia and North Shore both flooded during the last big rainstorm. To include additional areas for No Parking would result in more No Parking signs being placed in the right-of-way. He felt rather than signs, vegetation would be better.

Commissioner Yetter stated she would like to eliminate most all right-of-way parking, except for what is required for the beach renourishment. She asked if keeping the beach access parking, and the spaces along Pine Avenue, would be sufficient for maintaining what's required for the beach renourishment.

Chair Copeland stated he would not be in favor of a City-wide parking ban in the right-of-ways.

**Action: Consensus to move the item to an upcoming Work Session for further discussion.
Mayor Murphy will forward a copy of the beach renourishment parking study to each Commissioner.**

2. Discussion: Shared Pools

Chair Copeland stated the potential of rental homes sharing pools could begin to occur in Anna Maria. He asked if the issue was something the Commission wished to address. He informed the same owner of the duplex property across from him just purchased the neighboring property. It is his understanding the plans are to place a gate between the two properties and share a pool with the duplex.

Mayor Murphy felt the pool sharing situation would be difficult for the City to enforce.

Commissioner Webb stated the solution would be not to allow gates between adjoining properties.

Commissioner Carter noted builders are feeling this would be a way to obtain more properties and not have to put as much money into them, but still having the opportunity to inform renters they have access to a pool.

Action: Consensus to move the item to an upcoming Work Session for further discussion.

REGULAR MEETING

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.

3. General Public Comment

Sheila Hurst, Holmes Beach, addressed the Commission informing the City of Bradenton has given the organization she is member of permission to do a Historical Downtown Walk. As new Chamber members, they have been asked about doing a Historical Walk on Pine Avenue.

Ms. Hurst had information about the walk, and how they would like to do the same in Anna Maria. The walk would begin on the City Pier like the settlers had done, down Pine Avenue to the Sandbar, to the beach, and then back.

Ms. Hurst informed she had spoken to Micheal Coleman, the Post Office/Shop area relating to parking - and also to serve as a meeting place, the Island Players, Sign of the Mermaid, and with the Historical Society. Ms. Hurst noted the organization is presently a for-profit organization.

4. Historic Preservation Update – Jack Brennan

Mayor Murphy informed Mr. Brennan was ill and unable to attend that evening.

Mayor Murphy announced the City is looking for candidates to serve on the Historic Preservation Board. Applications can be obtained at the City's website, or by contacting Debbie at City Hall. He ask that the news media assist with announcing the available board openings.

Commissioner Webb felt tax credits could be utilized as incentives. The County and School Board would also need to be onboard. Other places where a person has declared their property as a historical site, is allowed a special tax designation that provides an incentive by lowering the ad valorem taxes.

Mayor Murphy informed there are also other incentives that have been researched.

City Attorney Vose stated if there are restrictions on the future use of the property, the Property Appraiser can then appraise the property at a lower value.

Chair Copeland questioned if the City itself could offer additional homesteading.

Commissioner Woodland asked if the incentives would also apply to the County and School Board.

Action: City Attorney Vose will research. Mr. Brennan's presentation will be placed on the next meeting Agenda.

5. Ordinance #16-812 - Final Public Hearing - ROR Occupancy Limit – City Attorney Vose

City Attorney Vose read the Ordinance title. She reviewed proposed language changes being made to the Ordinance, Sec. 114-281 (b) (1) and (b) (3) (e) by adding the following language: “*or if there is a change in ownership, interior modifications, alterations, or demolition.*” She noted Micheal Coleman, representing PAR, was in agreement with the change.

Commissioner Webb questioned if the change of ownership language referred to change of an LLC - and when the LLC members change.

City Attorney Vose stated it could be made a defined term, however, minor changes in an LLC would also be affected.

Commissioner Webb noted a way to get around something is to purchase the LLC then sell the shares. He suggested adding ‘majority change in an LLC’.

Discussion followed relating to PAR's LLC's. It was noted PAR's individual units can be purchased.

City Attorney Vose noted there had been discussion requiring a restricted covenant in the condominium association. Discussion continued.

Chair Copeland opened the Public Hearing.

Hearing no public comment, the Public Hearing was closed.

Motion: Move that Ordinance 16-812 be approved for Second Reading and adoption, as amended.

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

On Roll Call Vote, the motion carried unanimously.

6. Ordinance #16-813 -First Reading – Misleading Advertising – City Attorney Vose

Mayor Murphy informed many vacation rental units continue to offer accommodations that exceed the Ordinance. He provided an example of a four-bedroom that is being advertised as sleeping 16. As a result, guests who are renting the homes thinking they sleep 16 for example, are unhappy when they find out the City has an Ordinance limiting the number of occupants.

City Attorney Vose read the Ordinance title.

City Attorney Vose informed Florida Statute §817.41 prohibits misleading advertising and is being incorporated by reference in Ordinance 16-813. If found to be in violation, punishment is in accordance with the City's general Code violation provisions. The Ordinance will relate to anywhere in the City where lodging is offered.

According to City Attorney Vose, the City, under the Florida Constitution, can restrict advertising which is false or misleading. Further explanation followed. She suggested the City will want to monitor the advertisements. If found to be a violation, the ad should be printed, and then immediately followed up with a violation notice. After discussion, City Attorney Vose agreed to add specific penalties into the Ordinance language.

Mayor Murphy informed once the Ordinance is adopted, the intent is it will be promulgated to all owners and rental agents.

Public Comment – None.

Action: Ordinance 16-813 will be considered for Second Reading at the June 9, 2016 Meeting.

7. Resolution #R16-717 - Budget Amendment – Loan Pre-payment – *Mayor Murphy*

Mayor Murphy announced the Resolution is required for purpose of the loan pre-payment for the six lots. An additional Resolution will be required for the refinancing. A meeting was held earlier that day with Mayor Murphy, Mr. Chambers, and Hancock's Bond Representative. The plans are to close the new loan within the next two to four weeks. Approval of Resolution R16-717 will allow the City to make the \$100,000 pre-payment on the existing loan.

City Attorney Vose read the Resolution title.

Public Comment – None.

Motion: Move that Resolution R16-717 be approved for Adoption.

Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Chuck Webb.

Discussion:

Chair Copeland pointed out that during the Elected Officials Ethics Training, holding Roll Call Votes was stressed. He asked City Clerk Percycoe to call the roll for the Resolution.

On Roll Call Vote, the motion carried unanimously.

8. City Pier Park Proposal – *Mayor Murphy*

A fact-finding meeting was held between *Mayor Murphy* and City Pier Lessee Mario Schoenfelder. The result of that meeting was Mr. Schoenfelder offered providing ¹~~\$225,000~~ \$250,000 in return for a ten-year lease, or \$500,000 under the conditions of the 10-year lease, and two-years of free rent.

The Commission has the option of either accepting or rejecting Mr. Schoenfelder's offer as presented. If accepted, an agreement will be brought back to the Commission for final approval. If rejected, Mayor Murphy asked the Commission to inform what the Commission wishes for him to negotiate with Mr. Schoenfelder.

Commissioner Yetter felt Mr. Schoenfelder's offer would be more of a benefit to himself than to the City, and would be a disservice to the City if accepted.

Commissioner Webb provided the monetary calculations based on the offers.

Commissioner Woodland stated he was happy knowing the City has a known lessee.

Public Comment – None.

➤ **Motion: Move not to accept the offer dated May 6, 2016 as presented by City Pier Tenant Mario Schoenfelder.**

Action: Approved to Not Accept the Offer. Moved by Commissioner Chuck Webb, Seconded by Vice-Chair Nancy Yetter.

On Roll Call Vote, the motion carried unanimously.

¹ Amended at 6-23-16 CC Mtg

Mayor Murphy asked if the Commission wished to give him the authorization to continue negotiations with Mr. Schoenfelder. If given the authorization, he will meet with him in the Sunshine to discuss any proposals, then come back to the Commission for their final consideration. If not given the authorization to negotiate with him, Mayor Murphy will contact Mr. Schoenfelder the following day to inform his offer has been rejected and no further negotiations will take place. One option could be that the Commission will establish the amount to be contributed by Mr. Schoenfelder to refurbish the City Pier, another option would be to do nothing and let the lease expire. Other options could also be explored.

Commissioner Woodland said he would like to see the Mayor continue with negotiations.

Commissioner Webb stated since 2000, Mr. Schoenfelder has been responsible for maintenance without the landlord demanding it. He noted there have been constant demands made for him to maintain the City Pier – which always end in negotiations. He stated he is finished with any negotiations between the City and Mr. Schoenfelder. In his opinion, Mr. Schoenfelder needs to comply with the lease.

Commissioner Woodland stated he has wanted to see the lease changed for years - but felt the City has done a poor job of holding Mr. Schoenfelder's feet to the fire, and believes a better lease - easier to enforce - is needed. From his perspective, the City should be in charge and that be negotiated.

Commissioner Webb reminded Mr. Schoenfelder was the only bidder in 2000 that offered to maintain the Pier. The other two bidders offered to pay a higher rent, but no maintenance. However, Mr. Schoenfelder has not provided any maintenance until pushed, and as a result, the Pier is now in terrible condition. ²~~In Commissioner Woodland's opinion, a good tenant should not have to be forced to live up to the responsibilities of the lease.~~

Commissioner Yetter agreed there had not been good faith.

Commissioner Carter noted there is four and one-half years left on Mr. Schoenfelder's current lease. Construction will most likely begin during the remaining lease terms. She later stated she would like to see the City have control - since it is the City's property.

Chair Copeland did not feel there would be any harm letting Mayor Murphy continue negotiations with the Pier tenant. If the Commission do not agree with the outcome of negotiations, other options can be then be pursued.

Public Comment – None.

Mayor Murphy informed in the event the Commission did not want to pursue any further negotiations with the Pier tenant, he would then come back to the next meeting with a list of recommended serious options for consideration.

➤ **Motion: Move to reject having the Mayor enter into any further negotiations with City Pier tenant Mario Schoenfelder.**

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

Motion carried on Roll Call Vote of 3 to 2.

Aye – Commissioner Yetter, Commissioner Webb and Commissioner Carter.

No – Commissioner Woodland and Chair Copeland.

9. Advertising - City Clerk Position – *Mayor Murphy*

Mayor Murphy stated City Clerk Diane Percycoe has served the City for many years and has done an excellent job. She has now decided to enjoy the pleasures of retirement.

² Sentence removed per Commission action 6-23-16

The City Clerk position will need to be advertised. All interviews for perspective candidates will be held in the Sunshine.

Mayor Murphy is asking that an Advisory Panel be formed to assist him in making the final selection. City Attorney Vose will be asked to serve as the Legal Advisor for the panel, City Clerk Percycoe will provide her perspective on eligible candidates, and Finance Consultant John Chambers will be asked to provide input since he is very aware of what the position of City Clerk entails. Any Commission suggestions should be provided to Mayor Murphy as soon as possible.

Mayor Murphy plans to have the ad placed the first of the next week. Ad placement will include the Florida League of Cities, the Florida Association of City Clerks, etc. The job description has been drafted. Mayor Murphy informed the City Clerk position has changed drastically over the past few years, and is a more sophisticated job than it was in years past. He said he recognized day one when becoming Mayor about the importance of the position.

Commissioner Copeland felt the position of City Clerk was the most important position in the City. He thanked Ms. Percycoe for the fine job she has done over the years and regrets having to replace her. It is hoped City Clerk Percycoe will have the opportunity to have some time to train her replacement.

City Clerk Percycoe informed her actual retirement date will be September 30, 2016.

Commissioner Yetter personally thanked Ms. Percycoe for all the help given to her when taking office.

10. Mayor's Comments – None.

11. Commissioners Comments

Bert Harris Claims – Request for Continuous Updates

Commissioner Woodland referred to the Bert Harris Claims that have been filed with the City. Noting each have 150 days for mediation, he asked to see a document indicating each claim, and identifying the start date and end date for mediation, and any updates along the way.

Commissioner Webb felt Commissioner Woodland's suggestion was a good idea so long as it does not put an additional burden on the Attorneys. In addition, he does not want any confidential tactics stated in any public meetings.

City Attorney Vose informed it's important she keep the Commission updated on an individual basis. She agreed to provide the Commission with written documentation of the date requirements only.

Chair Copeland noted there are currently 48 Bert Harris cases that have been filed.

12. City Attorney Comments

Bert Harris Claims

City Attorney Vose announced she is currently going through and making notes on each detailed appraisal consisting of approximately 67 pages each. Sketches of each building and photographs of the rooms is also included. Names of the LLC partners are not included.

13. Staff Comments – None.

14. CONSENT AGENDA: The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.

- a. Approve Minutes: Spec Mtg 5/12/16
- b. Special Event: Wedding: Shank – Yuhas – Friday, June 17, 2016 – 3 p.m. – 7:30 p.m.
- c. Special Event: Beach Wedding: Annette and Barbara – Sunday, August 21, 2016 – 10 a.m. – 11 a.m.

d. Special Event: 50th Anniversary Vow Renewal – Friday, December 1, 2017 – 3p.m. – 6 p.m.

Chair Copeland asked that Consent Agenda items b., c., and d. be pulled for the purpose of discussing how the City wants to address weddings on the beach.

b. Shank – Yuhas – Friday, June 17, 2016

Mayor Murphy informed he has had two long discussions with one of the commercial Wedding Planners located in Pinellas County who has claimed ignorance of the City's Ordinance. He informed the Wedding Planner that Anna Maria was much different than St. Pete Beach - in that Anna Maria is a quiet residential neighborhood and weddings on the beach require six weeks lead time when applying for the Special Events Permit.

As a result of the conversation, the Wedding Planner modified his request for the 20-person wedding from 3:00 p.m. to 7:30 p.m. to the new time of 6:00 p.m. to 6:30 p.m., and no lanterns/fire would be included. The revised request was received May 24.

c. Annette and Barbara – Sunday, August 21, 2016

Mayor Murphy stated this event also has a professional Wedding Planner and the application was received within the required six-week time period.

d. 50th Anniversary Vow Renewal – December 1, 2017

The 50-person event is for a 50th Wedding Anniversary with vows being renewed. Golf carts will be utilized and the applicant has informed they are very familiar with the City's Ordinance requirements.

Mayor Murphy informed applications are continually being received having less than a six-week notice, and it appears the professional Wedding Planners have discovered Anna Maria.

Commission discussion followed. *Commissioner Webb* felt there needs to be a hard and fast rule relating to the six-weeks for receipt of the Special Events application. He discussed how numerous the commercial weddings are that are being held on the weekends, yet without permits. He felt it was important that violations be issued.

Chair Copeland pointed out there are areas the City has no authority to grant permits for due to being privately owned.

Mayor Murphy felt the fine section needs addressed in the Special Events Permits. He will have staff review the fines and bring back recommendations.

➤ b. Special Event: Wedding: Shank – Yuhas – Friday, June 17, 2016 – 3 p.m. – 7:30 p.m.

Motion: Move that Consent Agenda item b. be denied.

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

Public Comment – None.

On Roll Call Vote, the motion carried unanimously.

Mayor Murphy announced six or seven applications were received earlier that day from the same Wedding Planner for the month of June. He noted the City's code requires he present the request to the City Commission for their approval. He asked if the Commission would give him authority to deny the request if it was not received six weeks prior to the event.

Action: Discussion relating to Special Events will be placed on an upcoming Work Session.

➤ c. Special Event: Beach Wedding: Annette and Barbara – Sunday, August 21, 2016 – 10 a.m. – 11 a.m.

Commissioner Webb informed the application calls for 26 chairs on the beach. The code, however, only allows seating for disabled and elderly. He suggested evidence be provided for justifying the 26 chairs. The wedding will also include a live musician.

Action: Mayor Murphy was asked to contact the Applicant and inform the application needs modified and resubmitted for consideration.

- **d. Special Event: 50th Anniversary & Vows Renewal – Friday, December 1, 2017 – 3 p.m. – 6 p.m.**
Commissioner Webb pointed out the application includes furniture on the beach, and a live DJ. Discussion followed relating to the location of the event.

Motion: Move that Consent Agenda item d. be tabled until the next meeting to allow time for Mayor Murphy to contact the Applicant and request the application be revised as discussed.

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

Motion carried – All Aye.

- **a. Approve Minutes: Spec Mtg 5/12/16**

Motion: Move that the May 12, 2016 City Commission Special Meeting Minutes be approved as written.

Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Dale Woodland.

Motion carried – All Aye.

15. CITY DEPARTMENT REPORTS AND UPDATES:

a. Sheriff's

Commissioner Woodland congratulated the Deputies based on the reports provided to the Commission.

b. Building

c. Public Works

d. Code Enforcement/City Pier

e. City Clerk/Ordinance Update

f. Finance

Commissioner Woodland thanked City Clerk Percycoe on the updated and new format for the Finance Report.

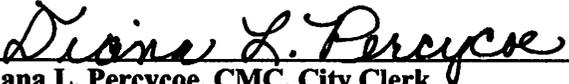
July 2016 Meeting Dates

Commissioner Carter announced she would be on vacation July 28, and asked if the July meetings could be changed to July 7 and July 21 – versus the regular scheduled meetings of July 14 and July 28.

Press Comment – None.

Adjournment

The meeting was adjourned by Chair Copeland at 8:03 p.m.


Diana L. Percycoe, CMC, City Clerk

Minutes approved: June 23, 2016