



CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216 Phone (941) 708-6130 Fax (941) 708-6134

MINUTES CITY COMMISSION REGULAR MEETING JUNE 23, 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 with excuse: Vice-Chair Nancy Yetter.

Also Present: City Clerk Diane Percycoc, Deputy Clerk II/Finance Debbie Haynes, and City Attorney Becky Vose.

Press: Islander and Sun.

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

½ Cent Sales Tax

Chair Copeland thanked County Commissioner John Chappie for supporting the Island Mayor's at the County Commission meeting with their proposal involving the ½ Cent Sales Tax. Commissioner Chappie was further thanked for his motion that the County Commission, Mayors, and County administration meet to discuss the proposal.

2. Superior Asphalt Work Agreement – *Engineer Lynn Burnett*

City Engineer Burnett presented the agreement informing the contract covers work for the next two fiscal years – the current fiscal year, and for 2017 (subject to a fiduciary clause pending the 2016-2017 budget approval).

Review of the proposed street work for each fiscal year followed. Engineer Burnett informed the contract for consideration was different than those in the past in that it was not for a mill, resurface, and replacement. Instead, the goal is to stay in line with the sea level rise. She informed every street in the City will be resurfaced and raised by 2-inches of asphalt over the course of each fifteen-year cycle. In addition, there will continue to be numerous discussions with individual property owners, condominium owners, and multi-family organizations to explain what their part of the program will entail. So far, the discussions have been well received. Engineer Burnett informed this program will be consistent across all three of the Island Cities on Anna Maria Island.

All infiltration systems scheduled for the street work identified for this fiscal year have already been completed. Explanation followed.

Engineer Burnett confirmed the March 17, 2017 deadline also included fiscal year 2016-2017 work. *Mayor Murphy* estimated the total amount to come in higher than the \$293,000 that was referenced. He recommended the Commission take a serious look at 2017 as far as the total work to be completed.

Chair Copeland pointed out 'and holidays' should be added into the last sentence of # 5 of the agreement.

Details followed by *Engineer Burnett* relating to the upcoming infiltration and asphalt work projects for the upcoming year. It was noted the north end of the City has drainage problems that has been neglected and will now be addressed. The plan will be brought back to the Commission for their approval. Engineer Burnett stated the stormwater utilities revenue received was not enough for the size of the projects that need to be completed – which has been a problem for several years. She reminded, however, the Gas Tax is specifically used for the

street and road resurfacing. The stormwater utilities fee and SWFWMD grants are restricted for stormwater projects.

Chair Copeland stated during Tropical Storm Colin, the drainage right-of-way running in front of his property, out to the Gulf, had no flapper valve, and before it even began to rain, the ditch was completely inundated. He asked when those outfalls would be addressed.

Engineer Burnett responded. She informed there is nothing that is currently working that is easy to maintain – thus a problem for all communities up and down the Gulf Coast. Different options are still being researched for addressing the concern.

Public Comment – None.

Motion: Move to authorize the Mayor to execute an agreement between the City of Anna Maria and Superior Asphalt to include Chair Copeland's change to add "and holidays" to #5 in the contract.

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

On Roll Call vote, the motion carried unanimously.

3. Ordinance #16-814 – First Reading – Amendment to Misleading Advertising Ordinance – City Attorney Vose

City Attorney Vose read the Ordinance title.

City Attorney Vose informed the Ordinance was recently adopted by the Commission. However, when speaking to the Code Enforcement Officer relating to enforcement, she realized some additional amendments are needed. The amended Ordinance will allow enforcement through a tiered citation method.

Commissioner Woodland asked if the Department of Business Professional Regulations (DBPR) would be informed of any of the violations. He also asked if the property owner and agent would be notified of any violation.

City Attorney Vose stated since it would not be a 'state violation', she did not feel there would be any action taken by the State. Therefore, no need to inform the State. Comments were also provided by *Commissioner Webb* relating to the DBPR structure and issues addressed through the DBPR. He felt licensing would be required in order to address a bad Vacation Rental Manager.

Mayor Murphy reminded the currently adopted notification process requires notifying both the owner and agent of all reportable offenses.

Commission discussion followed relating to the notification process and who should be notified, and the rebuttable presumption clause in the proposed Ordinance.

Public Comment – None.

4. Ordinance #16-815 – First Reading – Code Enforcement Citation Process – City Attorney Vose
City Attorney Vose read the Ordinance title.

Explanation followed relating to the code changes being made in the proposed Ordinance.

Public Comment – None.

5. Ordinance #16-816 – Emergency Ordinance – Moratorium Special Event Permits for Events on the Beach – City Attorney Vose
City Attorney Vose read the Ordinance title.

Commissioner Woodland noted the Ordinance addresses weddings on the beach. He felt a defined term should be included relating to the beach. After discussion, it was agreed to add “public” beach.

Commissioner Webb did not feel a Moratorium was needed. He agreed the weddings on the beach were getting out of control and people have ignored the Special Event Permit (SEP) requirement. He felt the SEP Ordinance could be amended quickly. However, the Moratorium Ordinance states no Special Events Permits will be accepted on the beach. He reminded all applications still have to go before the Commission for final approval.

Chair Copeland disagreed, reminding with a moratorium, it will save the Commission and staff time since the application would be rejected from the start.

City Attorney Vose asked the Commission to provide her input on what they wished to be placed in the amended Special Use Permit Ordinance. To date, she had only received suggestions from one Commissioner.

Commissioner Woodland felt the SEP Ordinance should be fast-tracked by having an emergency meeting the following week at a Special Meeting to approve it.

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

- **Motion: Move that Emergency Ordinance 16-816 be approved.**
Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Chuck Webb.
On Roll Call vote, the motion carried unanimously.
- **Amended Motion: Commissioner Dale Woodland modified his motion to include adding the reference of “public” beach in Ordinance 16-816 and approve Emergency Ordinance 16-816.**
Discussion:
Commissioner Webb clarified someone requesting an event on private property on the beach can still apply for a SEP - but will be required to have an affidavit from the property owner.
Commissioner Chuck Webb seconded the motion.
On Roll Call vote, the motion carried unanimously.
- 6. **Reconsider Renewal of CDBG/HOME Cooperation Agreement with Manatee County/Interlocal Agreement – Mayor Murphy**
Mayor Murphy informed he had discussions with Commissioner Carter who would like the previous vote of denying the agreement to be reconsidered. Commissioner Carter had voted on the prevailing side.
 - **Motion: Move to reopen the renewal of the CDBG/HOME Cooperation Agreement with Manatee County/Interlocal Agreement for Commission discussion and reconsideration.**
Action: Moved by Commissioner Carol Carter, Seconded by Commissioner Chuck Webb.
On Roll Call vote, the motion carried on vote of 3 to 1 with Commissioner Woodland voting No.

Commissioner Carter stated she originally voted in opposition to renewing the CDBG/HOME Cooperation Agreement with the County. However, after seeing both Bradenton Beach and Holmes Beach have approved their renewals, along with recognizing the cooperation between the three Island Mayors and the Longboat Key Mayor, she felt it was important for Anna Maria to also approve the Agreement.

Commissioner Webb pointed out the Agreement allows the County to include Anna Maria’s population when applying for grants. Other than that, there is no impact on Anna Maria.

Chair Copeland felt anything the City could do to help those less fortunate in the County was important. In addition, with the Mayor’s joint cooperation, the City’s may be entering into a new phase with the County. Therefore, he felt it important to approve the Agreement.

Commissioner Woodland disagreed and made reference to an article he previously provided relating to HUD mandates, affordable housing, etc. While HUD, in the past, was for providing affordable housing for disadvantaged, low-income people, in his opinion, the program has now become a complete and total disaster. He stated though providing low-income housing, the program did not help those persons to better themselves – thus, by enabling people, creating more of a problem in the long run.

Commissioner Woodland referred to “mandate” as referenced in the Agreement. He expressed his disapproval of the use of “mandate” when referring to the Federal Government. As a result, he was opposed to the agreement renewal.

Public Comment – None.

Motion: Move to approve Anna Maria’s renewal of the CDBG/HOME Cooperation Interlocal Agreement between the City of Anna Maria and Manatee County.

Motion: Approved. 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 Woodland voting No.

6.1 Discussion: Special Events Ordinance #14-773 – Current Special Events Ordinance

Commissioner Webb felt the Ordinance was about allowing activities in a zoning classification where in the zoning code they would not be allowed. Also, any intermittent activities that would not cause undue disruption such as allowing a resident to have a wedding at their home.

Discussion followed relating to proposed changes to the City’s Special Events Ordinance and included:

- Continue to require that any event on public-owned or controlled property must be non-profit. No wedding ‘for-profit’ would be allowed.
- There should be a deferential between public (wedding planner involved) and private weddings. No permit would be required for private weddings until a certain number of people would be involved – for example 30 persons.
- No wedding receptions should be allowed on the beach.
- Time limits should be required for weddings.
- Limit number of weddings allowed on private property per year.
- Commissioner Webb felt weddings on the beach were in three classifications:
 - Where the immediate family owns the property – City would allow administrative approval
 - Commercial wedding activity on public property
 - Commercial wedding activity on private property – felt should require an affidavit of approval from the owner
- Standards should be developed that include the event will not cause disruption to surrounding properties. Also relating to when the Commission can grant or deny an application.
- Arbors are allowed, chairs for infirmed, elderly, and handicap only. No other furniture should be allowed on the beach.
- Establish a limitation of the number of weddings allowed on the beach on a particular day.
- 501 (c) (3) must be provided for non-commercial events.
- Distinguish between for-profit and not-for-profit. The for-profit would have to pay a higher application fee.
- Vacation Rental Properties are not to be utilized for continual weddings and wedding receptions.
- SEP should be required for all weddings on the beach.
- Allow an administrative review and permit issuance for weddings of 15 people or less that are non-commercial (no profit being made).
- That property owner provides permission to use the property and is also held responsible.
- Allow Commission discretion to raise or lower a fee.
- Change reference of Director/Public Works to the Mayor or Mayor’s designee.
- All applications must be filed no later than six weeks prior to the smaller events. Suggested six months for the large events like BayFest, etc. that would require road closures. Parades would fall under the six-week timeframe.
- Sandbar is exempt due to wedding events being part of their Site Plan.
- Suggested draft of a Beach Special Events Ordinance and then separately a Non-Beach Special Events Ordinance.

- Change “shall be scheduled for review” to “shall be scheduled for final approval”.
- Update Ordinance to state ‘public property’ as it relates to the requirement for insurance and having the City as an Additional Insured.
- Establish a separate Special Use Permit fee when on City property.
- Penalty for holding an event without a permit needs to be greater than the application fee.

Mayor Murphy informed Longboat Key has eliminated some locations where weddings can be held. He suggested City Attorney Vose review Longboat Key’s Ordinance.

City Attorney Vose suggested the Commission consider prohibiting receptions at Vacation Rentals.

Commissioner Woodland suggested the Commission determine what is or is not allowed in the Residential zoning.

Commission discussion continued relating to what defines commercial activity as it would relate to an event. Examples were presented.

Public Comment – None.

Action: City Attorney Vose will draft an Ordinance for Commission review. Commissioners will provide her with their additional comments after reviewing the draft Ordinance.

7. Mayor’s Comments

½ Cent Sales Tax

Mayor Murphy thanked County Commissioner Chappie for his helping the Mayor’s on their proposal relating to the County’s proposed ½ Cent Sales Tax. A Hearing will be held before the County Commission, with the County Administrator present, to present the Island’s plans and needs for County Commission consideration.

8. Commissioners Comments

Island’s Mayor’s United Front

Chair Copeland acknowledged that for the first time, the Island and Longboat Key were represented by all their Mayor’s as a unit to provide the power of the Islands with their issues before the County Commission. He applauded the Mayor’s for their action taken.

Commissioner Carter felt the Island could now put pressure on the Manatee County Commission to stand up for the Islands before the legislatures in Tallahassee to take the lead relating to needed changes as far as Home Rule. Examples include how the Tourist Development Tax is being distributed.

Noise Ordinance – Holmes Beach

Commissioner Carter announced Holmes Beach is considering a Noise Ordinance where citations will be issued to the renter the first time a violation is made. Repeated offenses will also be addressed. Details followed.

9. City Attorney Comments – None.

10. Staff Comments

July Meeting Dates

It was agreed the July meetings will be scheduled for Thursday, July 14 and July 21.

11. **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: Worksession/Regular Meeting 5/26/16**
- b. **Special Events – Weaver – Devleeschower Wedding – 7/31/2016 – 7:15 p.m. -7:35 p.m.**
- c. **Special Events – Bean Family Reunion – 5/13/17 – 10:00 a.m. to 1:00 p.m. at Historical Museum Haven.**
- d. **Annual Anna Maria Privateers – Fourth of July Parade – 7/14/16 – 9:00 p.m. – 2:00 p.m.**

➤ a. **Approve Minutes: Worksession/Regular Meeting 5/26/16**
 It was agreed the following sentence would be removed on page 5 discussion on the City Pier: ~~In Commissioner Woodland’s opinion, a good tenant should not have to be forced to live up to the responsibilities of the lease.~~

\$225,000 was corrected to \$250,000 on page 4 relating to the City Pier.

Motion: Move that the May 26, 2016 Worksession/Regular Meeting Minutes be approved as corrected.
Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Dale Woodland.
Motion carried – All Aye.

➤ b. **Special Events – Weaver – Devleeschower Wedding – 7/31/2016 – 7:15 p.m. - 7:35 p.m.**
Commissioner Webb stated the affidavit from the owner was not included with the application materials. There is not sufficient information to determine where the exact location is. It was suggested action be postponed to allow time for the Applicant to provide the affidavit appointing them as agent for the owner. In addition, explanation should be provided as to where they will be located on the beach in relation to property lines. If located on City property, it will require non-profit status.

➤ c. **Special Events – Bean Family Reunion – 5/13/17 – 10:00 a.m. to 1:00 p.m. at Historical Museum Haven.**
Commissioner Webb said he was in favor of the event but noted everything required of the application had not been included. A site plan showing where the tents, chairs, etc. is still needed.

Commissioner Webb suggested when City Attorney Vose drafts the Special Events Ordinance, staff is given the authority to reject the application until all requirements are met.

➤ d. **Annual Anna Maria Privateers – Fourth of July Parade – 7/14/16 – 9:00 p.m. – 2:00 p.m.**

Motion: Move that Consent Agenda Item d. be approved.
Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Carol Carter.
Motion carried – All Aye.

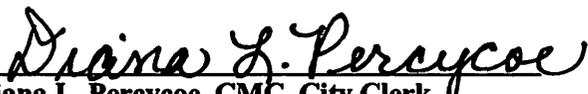
CITY DEPARTMENT REPORTS AND UPDATES:

- a. **Sheriff’s**
- b. **Building**
- c. **Public Works**
- d. **Code Enforcement/City Pier**
- e. **City Clerk/Ordinance Update**
- f. **Finance**

Press Comment – None.

Adjournment

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


 Diana L. Percycoe, CMC, City Clerk
 Minutes approved: July 21, 2016