



# 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 AUGUST 25, 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

**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 Percycocoe, Deputy Clerk II/Finance Debbie Haynes, City Attorney Becky Vose, and City Planner Bruce McLaughlin.

**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

#### City Website Enhancement

*Chair Copeland* announced Deputy Clerk II/Finance Haynes has set up the City's website where citizens can sign in to be informed of emergencies, City announcements, projects, etc.

*Debbie Haynes*, Deputy Clerk II/Finance, explained the new process is located on the City's website at [www.cityofannamaria.com](http://www.cityofannamaria.com). Citizens that are interested should signup under the "Stay Informed" section on the website's Home Page. Once a person has signed up, City notices will be sent either by email or by phone text. Ms. Haynes noted the City's Agenda packets are now being placed on the website under the Government tab.

*Chair Copeland* stated he had spoken to the Bradenton Beach CRS (Insurance - Community Rating System) representative who has indicated placing emergency notices on the City's website will qualify for CRS points.

### 2. Ordinance #16-820 – First Reading – Marijuana – City Attorney Vose

*City Attorney Vose* read the Ordinance title.

*Chair Copeland* explained what changes had been made to Ordinance 16-820 since the Commission's first review. He noted the City still falls under State and Federal Law.

*Mayor Murphy* informed the Ordinance will make it illegal to have a smoke shop selling marijuana, or to grow, package, etc. marijuana in the City.

**Public Comment** – None.

### 3. Adoption of Resolution #R16-719 – Easement - Lake LaVista Channel – Planner McLaughlin

*Planner McLaughlin* informed in 1985, the City received an easement from the FDEP Board of Trustees of the Internal Improvement Fund preventing the City to conduct fluidization efforts in the Lake LaVista Channel. Said easement expired last year, whereas, the State has reached out to the City to see if Anna Maria would like to have it reinstated. After conferring with Public Works, it is recommended the easement be reinstated.

Planner McLaughlin presented a PowerPoint and provided details relating to the easement, and the Lake LaVista Channel. He explained the required action for the City - noting there will be no cost to the City. If the State were to

charge for the easement (which is allowed under the agreement), the City has the right to relinquish the agreement at that time. The new term expiration is 50 years beginning June 12, 2014.

Planner McLaughlin recommended the Commission adopt the Resolution authorizing the Mayor to sign the easement.

**Public Comment** – None.

*Planner McLaughlin* read the Resolution title.

**Motion: Move that Resolution #R16-719 be approved for adoption.**

**Action: Approved. Moved by Commissioner Carter, Seconded by Commissioner Woodland.**

**Motion carried on unanimous Roll Call Vote.**

**3.1 Bert Harris Claims – City Attorney Vose**

<i>Hennessey</i>	<i>93 N. Shore-A</i>	<i>Michelle &amp; Jeffery Laade</i>
<i>Hennessey</i>	<i>93 N. Shore-B</i>	<i>Michelle &amp; Jeffery Laade</i>
<i>Hennessey</i>	<i>114 Oak-Cottage</i>	<i>Gerald &amp; Jeane Pitcher</i>
<i>Hennessey</i>	<i>114 Oak-A</i>	<i>Gerald &amp; Jeane Pitcher</i>
<i>Hennessey</i>	<i>114 Oak-B</i>	<i>Gerald &amp; Jeane Pitcher</i>

*City Attorney Vose* presented five Bert Harris claims, asking for the Commission’s approval. The settlement would allow two persons per bedroom – plus two persons per vacation rental unit. There is one request for an occupancy of eight persons, and the balance are requesting an occupancy of six persons. City Attorney Vose feels the requests are reasonable, and urged the Commission to approve the claim settlements.

The City has now received a total of 64 Bert Harris Claims. Once the five are approved that evening, it will leave 44 left to be settled. Ten are due by September 24 thru September 29, and will be placed on the next meeting agenda for Commission consideration. Because they are Bert Harris Claims, some sort of offer has to be made – or the City will automatically lose.

The Form of Settlement Agreements were reviewed with City Attorney Vose noting two of the Attorneys had made some slight amendments. The short-form agreements approved by both Attorney Najmy’s law firm, and by Attorney Rudacille, can be filed with the County.

Attorney Hennessey has not approved the Agreement format, and is insisting on being paid his attorney’s fees. City Attorney Vose stated at this point in the litigation, paying the opposing attorney’s fees is not required under the Statute. She recommended the Commission not approve paying the fees. Details relating to Attorney Hennessey’s requested language additions followed. City Attorney Vose recommended the City adhere to the reasonable Agreement format. If Attorney Hennessey refuses, City Attorney Vose felt the City has made a reasonable offer, and the court would agree.

**Public Comment** – None.

**Motion: Move to authorize City Attorney Vose to offer settlements relating to Bert Harris Claims on properties located at 93 N. Shore-A, 93 N. Shore-B, 114 Oak (Cottage), 114 Oak-A, and 114 Oak-B, utilizing the accepted Settlement Offer form.**

**Action: Moved by Commissioner Woodland, Seconded by Commissioner Carter.**

**Motion Carried on Vote of 3 to 2.**

**Aye: Commissioner Carter, Commissioner Woodland, and Chair Copeland.**

**No: Commissioner Webb and Vice-Chair Yetter.**

4. **Approval of Service Agreement with Manatee County Sheriff's Office – FY 2016-2017 – Mayor Murphy**  
*Mayor Murphy* explained there are two separate actions that need to be taken. He noted the Commission had reviewed the renewal amount during the recent Budget discussions - which had amounted to a 1% increase over the previous year. After re-reviewing the proposal, Mayor Murphy found where the County had charged in access for some of the officer's salaries. The total expenses have since been reduced, resulting in only an increase of .4% over the previous year.

**Public Comment – None.**

**Motion: Move to authorize the Mayor to execute an agreement between the City of Anna Maria and the Manatee County Sheriff's Office to furnish law enforcement for the City effective October 1, 2016 through September 30, 2017, and in the sum of \$688,235.68.**

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

**Motion carried on unanimous Roll Call Vote.**

5. **Approval of Service Agreement with Manatee County Government/Manatee County Sheriff's Office – FY 2016-2017 – Mayor Murphy**

**Public Comment – None.**

**Motion: Move to authorize the Mayor to execute an agreement between the City of Anna Maria and the Manatee County Government/Manatee County Sheriff's Office for the sole purpose of collecting payments owed pursuant to the Agreement, and providing an appropriate budget (FY 2016-2017) to the Sheriff as provided, for the period of October 1, 2016 through September 30, 2017.**

**Action: Approved. Moved by Commissioner Webb, Seconded by Commissioner Carter.**

**Motion carried on unanimous Roll Call Vote.**

6. **Adoption of Resolution #R16-720 – Charitable Donations Policy – City Attorney Vose**  
*Mayor Murphy* reminded the Commission had discussed the City's charitable contributions during Budget discussions. In the past, Charitable Donations were line items indicating where the charitable contribution was going. Resolution R16-720 will address the charitable donation process. Anyone asking the City to make a donation in excess of \$2,500 will be asked to put together a business case, and/or business need, and show where the money will be going, and what it will be used for. A presentation before the Commission for their final approval will also be required. Additional information covered in R16-720 followed.

*City Attorney Vose* acknowledged if an entity is substantially supported by public money, they are subject to open public record requirements. City Attorney Voss was then asked to add appropriate language covering that requirement into the Resolution. *Commissioner Webb* suggested the language state the Commission 'may' include conditions when requesting \$2,500 or above.

*City Attorney Vose* read the Resolution title.

**Motion: Move that Resolution #R16-720 be approved for adoption, with the following two amendments:**

- 1) **The City Commission may pose conditions upon the donations, and**
- 2) **Change wording Equal to, or in access of \$2,500.**

**Motion carried on unanimous Roll Call Vote.**

7. **Mayor's Comments – None.**

8. **Commissioners Comments**

AMI Community Development Fund Update

*Commissioner Carter* informed this past week, the Anna Maria Island Community Development Fund has been officially incorporated. Having their official FEIN number, the association plans to apply for the 501(3) (c) status. Commissioner Carter read the purpose of the Fund into the record, noting it is for acquiring and managing an array

of older bungalow/cottage properties (50-years and older), to promote the community with a new inventory of affordable and long-term rentals – and to encourage more individuals and families that work on AMI to choose to live on the Island. The availability of the rentals would help restore a sustainable population on the Island. Further details followed.

Commissioner Carter informed they will also be partnering with the Conservation Foundation that covers the five-county area. If a property is acquired, the Foundation would own the land itself, with an easement, so it could never be developed to the highest and best use. The Community Development Fund would own the building.

#### Waste Management / Zika Virus

*Chair Copeland* spoke to Rose Quin-Bare, representing Waste Management, relating to the side-door pickup service required of all vacation rental properties. Noting the Zika Virus has become active in the neighboring counties, and can be preventable, he asked she look into making sure the cans are not left collecting water and becoming a breeding ground for the mosquitoes.

*Chair Copeland* encouraged all residents to make sure they do not leave anything on their property that would retain water.

9. **City Attorney Comments** – None.

10. **Staff Comments** – None.

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:** Regular Meeting 7/21/16; Budget Worksession 8/3/16; Budget Worksession 8/10/16; Special Meeting 8/11/16

b. **Proclamation:** – Charcot-Marie-Tooth Awareness Month

c. **Refund Requests for Special Events**

d. **Special Event:** Ferriell – Lorenz Wedding – June 16, 2016 – 3:00 p.m. – 6:45 p.m.

e. **Special Event:** Tsambiras Wedding – June 17, 2016 – 3:00 p.m. – 8:15 p.m.

f. **Special Event:** Wedding: Shank – Yuhas – Friday, June 17, 2016 – 3:00 p.m. – 7:30 p.m.

g. **Special Event:** Rumi – Hedgepeth Wedding – July 31, 2016 – 4:00 p.m. – 8:30 p.m.

*Chair Copeland* asked to pull Consent Agenda item b. to allow Mayor Murphy an opportunity to read the Proclamation that evening.

*Commissioner Webb* asked that Consent Agenda item c. be pulled and considered separately.

➤ **b. Proclamation:** – Charcot-Marie-Tooth Awareness Month

*Mayor Murphy* informed there are two forms of the Charcot-Marie-Tooth disease in the City of Anna Maria. He read and presented the Proclamation.

➤ **c. Refund Requests for Special Events**

*Commissioner Webb* noted the refund requests for the Wedding Special Event Permits are applications recently denied by the City Commission. He did not feel the application fees should be refunded.

#### **Public Comment**

*Brian Wheeler*, representing Gulf Beach Weddings, informed he was the applicant for each of the Special Events Permits for their clients. He said it was their impression they were permit fees - versus application fees – and that the application form used to say “permit”, then was later changed to “application”. He said there were six permits denied, with one being approved later due to being a resident of Anna Maria Island.

He asked if moving forward it state only residents of Anna Maria Island would be approved for permits - or, if the intent was to follow the Ordinance and approve permits to anyone that applies.

*City Attorney Vose* reviewed Mr. Wheeler's documents relating to language of "permit fee" versus "application fee". She noted the fee was paid in advance of the Special Event Permit's consideration, and the Commission did have the authority to refund it at their discretion.

**Jason Wheeler**, also spoke representing the Gulf Beach Weddings. He stated they would like to continue their business on Anna Maria Island. However, they did understand the City may not want them to continue their wedding services in Anna Maria. He said they were willing to move their business, but asked that their permit fees be refunded.

*Mayor Murphy* informed the applications were denied due to having amplified music, having furniture on the beach, inadequate maps, and concerns over sand dunes that would not be roped off, and being located on public property without permission.

- **Motion: Move that the request from Gulf Beach Weddings for refund of their application fees for Special Events Permits recently denied by the City Commission, be denied.**  
**Action: Moved by Commissioner Webb, Seconded by Commissioner Woodland.**  
**Motion carried on unanimous Roll Call Vote.**

**Consent Agenda**

- **Motion: Move that Consent Agenda items a., d., e., f., and g. be approved as presented.**  
**Action: Approved. Moved by Commissioner Webb, Seconded by Commissioner Woodland.**  
**Motion carried on unanimous Roll Call Vote.**

**12. 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**

Chair Copeland adjourned the meeting at 6:46 p.m.

  
\_\_\_\_\_  
Diana L. Percycoe, CMC, City Clerk

Minutes approved: 9/22/16