



CITY OF ANNA MARIA

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MINUTES CITY COMMISSION SPECIAL MEETING/WORKSESSION SEPTEMBER 8, 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 Percycoc, City Clerk (In Training) LeAnne Addy, Finance/Deputy Clerk II Debbie Haynes, City Planner Bruce McLaughlin, and City Attorney Becky Vose.

Press: Sun and Islander.

SPECIAL 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.

1. **General Public Comment** – None.
2. **Ordinance 16-820 – Public Hearing and Second Reading – Marijuana – City Attorney Vose**
City Attorney Vose read the Ordinance title.

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

Motion: Move that Ordinance 16-820 be approved for Second Reading and Adoption.
Action: Approved. Moved by Commissioner Webb, Seconded by Commissioner Carter.
Motion carried on unanimous Roll Call Vote.

3. **Ordinance 16-822 – First Reading – Moratorium – Formula Retailing – City Attorney Vose**
City Attorney Vose read the Ordinance title.

Public Comment – None.

The Planning Commission will review Ordinance 16-822 at their September 13, 2016 – 4:00 p.m. meeting.
Second Reading and Public Hearing of Ordinance 16-822 will be held on September 27, 2016 – 6:00 p.m.

- 3.1 **Comprehensive Plan – Evaluation and Appraisal Report – Planner McLaughlin**
Planner McLaughlin referred to his staff report, informing the City's Comprehensive Plan cannot be amended without first updating the Evaluation and Appraisal Report. The report needs to be completed by experts, whereas, the City has negotiated a proposal with Calvin, Giordano & Associates. He asked that the Commission consider authorizing the Mayor to execute an agreement for the preparation of the Comprehensive Plan Evaluation and Appraisal Report – Task 1.

Commissioner Woodland asked that the Planning & Zoning Board look into areas where the City's local laws could be strengthened, by embedding some of the City's local laws into the Comprehensive Plan. He used the

example of embedding the City's height restriction of 37-ft. into the Comp Plan. He acknowledged it would have to be approved by the State. He also felt it was important to look at other possibilities.

Mayor Murphy explained on the proposal, Task 1 is for identifying the conflicts in the City's existing codes and Comprehensive Plan. Once identified, Task 2 would follow. Mayor Murphy and staff will be discussing how to proceed with Task 2. He confirmed he would incorporate Mayor Woodland's suggestion. Parts of Task 2 is also due prior to the end of the year. Explanation followed.

Planner McLaughlin informed the amendment needs to be sent to the State before the end of the year. He noted there may be a handful of urgent amendments to the Comp Plan as soon as the Evaluation and Appraisal Report is completed. Then a longer approach for the Comp Plan amendments would follow.

Commission discussion continued.

Motion: Move to authorize the Mayor to execute an agreement with Calvin, Giordano & Associates for preparation of Task 1, in an amount not to exceed \$8,250.

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

Motion carried on unanimous Roll Call Vote.

3.2.1 Resolution R-721 – Vacation Rental Registration Early Pay/Online Payment Discount Payment Schedule – City Attorney Vose

City Attorney Vose read the Resolution title.

Mayor Murphy explained that the previous year when the Vacation Rental Registration was implemented, and the registration fee was proposed, the City was in the midst of a court case. However, payments were accepted until April 1, 2016. Though having the capability of applicants filing online, the majority waited until the April deadline and filed with a paper copy.

As an incentive, he suggested the savings to the City for applicants utilizing the online registration - as opposed to paper applications - be passed onto the applicant. Filing on time and online will save on the number of staff and staff's time. As a result, the registration fee would be reduced if filing early, and utilizing the online process. If the vacation rental owners do not take advantage of paying on time or online, they would be required to pay the full registration fees. Mayor Murphy will be sharing the information with the Rental Agents the following week.

Mayor Murphy acknowledged each application will be re-inspected on an annual basis.

Public Comment – None.

Motion: Move that Resolution R-721 be approved for adoption.

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

Motion carried on unanimous Roll Call Vote.

3.3 Bert Harris Claims – Settlement Offers – City Attorney Vose

City Attorney Vose announced she has 28 suggested Bert Harris settlement offers. She informed some of the addresses include dollar amount "purchase offer", which were only included in the addresses where the City was not offered the requested occupancy amount. As an alternative, she is suggesting a different settlement – either the occupancy offered by the City is accepted, or the City would offer to purchase the home at the purchase offer price. The suggested purchase offer price represents the before value shown in the Bert Harris appraisal, increased by 1.5%. She noted the Mayor had checked and looked at a lot of comparisons as to appraised values over the past two years off the Manatee County Property Appraiser's site, and found there was an increase of .0071%. As a result, in City Attorney Vose's opinion, the 1.5% increase was a reasonable increase over the before value in the appraisals.

Commissioner Woodland stated he would not vote to do anything that would jeopardize solvency of the City. In his opinion, the Bert Harris Claims received has been the biggest issue ever hitting the City of Anna Maria. He said he was perplexed as to why the vote was not ending in 5-0 - rather than 3-2 as with the last two sets of Bert Harris Claim settlements.

In Commissioner Woodland's opinion, the Bert Harris Act was written strictly for the developers – with zero protection for the residents. He voiced concern if the City ends in court on the claims, the City would be out a lot of money, plus attorney fees.

Commissioner Carter noted as the City is settling the claims, there has been a filing deadline set by the City of February 1, 2017. She voiced concern that as the City settles the claims, there could be additional claims that the City will continue to receive.

Mayor Murphy responded that based on the average occupancy for residential homes in the City, and based on the most recent census, the results are 1.9 people per home. The average occupancy being asked for in the Bert Harris Claims are 12 people per home – resulting in a 600% increase. Noting there are benefits for the residents living in the City such as public works, parks & recreation, beach renourishment, sidewalks, drainage, etc., the homes having 1.9 residents are paying for the benefits – versus the homes with 12 that are not. Though the rental homes are paying more ad valorem taxes since they are non-homestead, those amounts do not result in a 600% difference.

Mayor Murphy announced he has directed the staff and City Attorney to work on a Special Assessment program to determine the cost of the per person benefits. Staff would then come back with a Special Assessment fee based upon occupancy. The target date to present the information to the Commission is sometime prior to the end of 2016. The recommended Special Assessment fee, will be per person, for vacation rentals, based upon occupancy. He reminded the Island Mayor's had previously approached the County relating to the sales tax distribution, and that they were not counting, and including, the number of people who actually live in Anna Maria.

Commissioner Webb noted the vacation rentals are businesses. He asked if it was fair for the residents to support a business by giving them money – or instead, should the business carry the burden of building their property. Because of the rentals, the intensity of use on the streets, beaches, sewer system, etc. has heightened. He noted the majority of residents were no longer utilizing the beaches in Anna Maria – only the renters and visitors. He agreed the Special Assessment would help address the inequities.

Chair Copeland also felt a Special Assessment was a way of mitigating the use. He then addressed the Commissioner's vote of the Bert Harris settlements, believing settlements were the best option. He said he was scared for the future of the City, and provided details and steps a City must follow if ever having to file bankruptcy. If the City were to end up in that position, the City would be turned over to the County to operate. In Chair Copeland's opinion, the County is only concerned about the rental income that's being received.

Commissioner Yetter stated she was very passionate about the first Bert Harris claim offers - and still is. In her opinion, it did not appear the City made any attempt in compromising the first set of offers – and instead gave in. She felt the Commissioners must be stronger. She has given her word to many residents - and will not back down on her decision to oppose the settlement claims. She felt the City has opened it up to receiving more claims.

Commissioner Yetter said while the Special Assessment fee is a good idea, she did not feel the concerns of the noise, overcrowding, and traffic flow, etc. was being addressed. She said as an alternative to the settlements, the City should make an offer in the courts – but not give in to the claimant - and give them what they want.

Commissioner Woodland reminded the offers, to date, have been based on two persons per bedroom, plus two.

City Attorney Vose confirmed only the two plus two occupancy settlement offers had been made. The 28 for consideration that evening all asked for more than the two plus two occupancy. As a result, the City's offer to them is either the two plus two occupancy, or the City would buy back their property.

Discussion relating to the Bert Harris Claim process followed.

Commissioner Carter asked if the City could examine the plans to see if rooms being utilized as bedrooms were actually a den, library, or other on the plans. Then negotiations could proceed if it's found those rooms were being used as bedrooms.

Mayor Murphy confirmed except for two of the properties, all other rental properties had been inspected by the City's inspectors, and compared to the Property Appraiser's site. Any disparity was then confirmed by reviewing the original plans. The number of bedrooms had been verified except for two of the properties, and City Attorney Vose would not make any offer until the number of bedrooms had been verified.

Public Comment – None.

Motion: Move to approve the recommended settlement offers for the 28 properties presented by City Attorney Vose that evening.

Action: Approved by majority vote. Moved by Commissioner Woodland, Seconded by Commissioner Carter.

Motion carried on vote of 3-2.

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

No: Commissioner Yetter and Commissioner Webb.

4. Mayor's Comments

Gumbo Limbo Trees Planted

Four new gumbo limbo trees have been planted at the City Pier Park. In addition, a row of gumbo limbo trees were planted at the Gulf Front Park. The Tourist Development Council (TDC) will be providing reimbursement.

New Flagpole at City Pier Park

Mayor Murphy will be bringing a proposal before the Commission at the next meeting for installing a new flagpole at the City Pier Park. The new flagpole will be located at Pine and N. Bay. A dedication of the flagpole will take place on Veteran's Day - November 11, 2016.

5. Commissioners Comments

Future Agenda Item Requests

Chair Webb requested a discussion relating to stormwater, flooding, etc. is placed on an upcoming Work Session Agenda.

Chair Webb also asked that discussion on how to address sexual predators is included on an upcoming Work Session.

6. City Attorney Comments – None.

7. Staff Comments – None.

8. 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. Special Event: ArtsHop/ArtWalk – 11/18/16 – 5pm to 8 pm – Approve and Request to Waive Fee

Motion: Move to approve consent agenda as presented.

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

Motion carried on unanimous Roll Call Vote.

Chair Copeland closed the Regular Meeting at 6:55 p.m.

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.

Chair Copeland called the Worksession to order at 6:56 p.m.

9. Discussion: Parking

Commissioner Woodland reminded the Commission briefly discussed parking the previous March. He presented the following:

Existing Problem

Increased parking in the right-of-way on residential streets has become burdensome to neighborhoods, and in some cases, has created a safety issue for pedestrians and bikers - for example, N. Shore from Willow to 2nd Street.

Solution

- Expand existing parking restrictions for many of the City's 100-block streets that annually alternate parking from one side of the street to the other, thereby giving some relief to residents.
Commissioner Woodland stated it has worked well since implemented in 2003.
- Expanding the concept can be accomplished by the City's Public Works staff. The only cost would include adding signage.

Additional Observations

Over the past six to twelve months, *Commissioner Woodland* has noticed the following:

If the City were to expand the one-side of street parking into the 200 blocks, it would serve as a positive unintended consequence.

Commissioner Webb stated he could not support *Commissioner Woodland's* alternate street parking proposal. After speaking to residents, they do not like having to alternate their parking on the streets.

As an alternative, *Commissioner Webb* believes there needs to be a certain capacity of parking on the street, so it's divided up, and even on both sides of the street.

Commissioner Yetter reminded expanding the parking goes against the ULI Study. Instead, to control traffic, the parking should be controlled – and even some taken away. In her opinion, expanding the parking would create more traffic.

Commissioner Webb noted the more parking banned, the more 'No Parking' signs there will be. He felt rather than 'No Parking' signage, a red strip is painted on the edge of the pavement, and signage is posted at the edge of the City, or at the end of each street, stating what to look for as far as parking. He also felt parking on and along the stormwater systems should be prohibited. Discussion followed.

Commissioner Webb questioned whether or not paid parking should be implemented. He felt there are people using the City's infrastructure, and felt paid parking was a way to help compensate the City for the costs.

Chair Copeland reviewed previous Commission discussions relating to the parking in the City. He pointed out after Mayor Murphy was elected, and started utilizing Code Enforcement for regulating the Parking Ordinances, there have been no resident complaints presented to the Commission.

Commissioner Yetter said she had heard complaints from residents in the 100 Blocks. She knows of other Cities who are making good revenue from paid street parking.

Chair Copeland informed the City of Tampa receives approximately \$400,000 annually from paid parking fees. There are over \$4 Million annually from parking fines. He questioned what the revenues were used for.

Mayor Murphy reminded paid street parking also requires enforcement and maintenance. He suggested looking into the total costs for paid parking if wanting to proceed.

Commissioner Webb proposed determining if there has been complaints from the residents in the 100 Block, if there is too much parking on the 100 Blocks, and if parking would be expanded to the 200-300 Blocks, where parking will have to also be restricted.

Commissioner Woodland feels strongly the public beaches should be available to the public, but that it's not the responsibility of the City to get people here, or to provide any parking for them.

Commission discussion continued relating to alternate parking on one side of the street, no code allowance for paved parking lots, and what the effect would be on beach renourishment if half of the street parking was eliminated.

After discussions, the following consensus was taken:

- **Consensus to not allow stand-alone paid parking lots in the City. City Attorney Vose was asked to draft an Ordinance.**
- **Commissioner Woodland suggested experimenting with the elimination of parking on Willow to Spring. After discussion, it was agreed he would provide Mayor Murphy with a list of streets, number of spaces to eliminate, and the impact.**
- **Consensus that the drainage issue is more important than the parking issue at this point. Engineer Burnett will be asked to make a presentation at the next Worksession. Discussion followed relating to concerns and specific details to be provided during her presentation.**
- Sexual Predator Ordinance
Consensus that City Attorney Vose drafts an Ordinance regarding sexual predators.

Staff Comment

Mayor Murphy and the Commission wished newly appointed City Clerk Addy a Happy Birthday.

Press Comment – None.

Adjournment

Chair Copeland adjourned the meeting at 7:42 p.m.



Diana L. Percycoe, CMC, City Clerk

Minutes approved: 9/22/16