



CITY OF ANNA MARIA

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MINUTES CITY COMMISSION SPECIAL MEETING MAY 12, 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 Vice-Chair Nancy Yetter.

Absent: Commissioner Carol Carter.

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

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. **Further Discussion: PAR's Response Regarding Ordinance #16-812 – ROR Occupancy Limit – Mayor Murphy/City Attorney Vose**

City Attorney Vose recommended there be an agreement with PAR with regard to their condo documents, which inserts restrictions as offered by PAR at the last Commission meeting. She will draft the covenant that will run in favor of the City in PAR's condo documents – which will be filed with the Manatee County Clerk's Office. She clarified the occupancy exemption would not apply to any transfer of ownership or redevelopment of the property.

Mayor Murphy informed the Public Hearing for Ordinance 16-812 (Agenda item #3) would be held that evening. If the Commission preferred, the PAR modification could be completed first. Both the PAR document and Public Hearing of Ordinance 16-812 could then be placed on the next meeting agenda.

City Attorney Vose informed once the language is placed in the condo documents, it will be written so that it cannot be changed without the City's permission. In addition, the entire ROR District will be addressed.

Public Comment

Micheal Coleman, Pine Avenue, stated as President of all five PAR condo associations, he could make an immediate amendment to all the condo docs, and have all recorded. He felt, however, there may be some push-back relating to the condo docs not being changed without permission from the City.

City Attorney Vose will draft the language, then forward to the Mayor for Mr. Coleman. She reminded the amendment to PAR's condo docs would need to include the covenant.

Mr. Coleman informed it is PAR's position they are excluded from the maximum occupancy requirements. They want to agree with the occupancy exclusions, but noted they have complied with the maximum occupancy all along. PAR feels they are exempt from the occupancy limit, and will hold themselves exempt from any attempts to incorporate their properties into the occupancy requirements. They would only respond if the City were to try and enforce the occupancy regulations. However, there would never be an opportunity for the City to enforce it - because PAR will never allow more than the maximum occupancy in their rentals. In his opinion, PAR has shown good faith for the past eight years.

Mr. Coleman informed the PAR condo association has majority ownership of the units in each of the buildings. Of the residential units, there have only been three of the 11 units that have new ownership. He further noted as part of PAR's condo docs, there is language stating all units must be managed by the same Rental Management Company. Further explanation followed.

City Attorney Vose pointed out if an additional condo unit were to be sold, thus causing PAR to no longer being the majority owner, it could create a change of condo association documents since PAR no longer has the majority.

Mr. Coleman noted the City adopts Ordinances as the needs arise. If the situation as noted by *City Attorney Vose* occurs, an Ordinance change could be adopted, and since PAR would no longer have majority ownership, he would not be objecting to the Ordinance change.

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

Chair Copeland asked for any Public Comment. Hearing none, *Chair Copeland* closed Public Comment.

Motion: Move that the Final Public Hearing and Second Reading of Ordinance 16-812 be continued to the time and date certain of Thursday, May 26, 2016 at 6:00 p.m.

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

Motion carried – All Aye.

4. Request Approval of Build-out and Lease of Building for Code Enforcement – *Mayor Murphy*

Mayor Murphy reminded the Commission had approved the moving of the City's Code Enforcement Department to the property located at 307 Pine Avenue, formerly known as the General Store on Pine Avenue. He announced the build-out costs total \$10,800. Costs include security cameras, signage, and foyer in the front, counter space, telephone expenses, IT expenses, and the locks.

The annual lease will be \$52,000. Of that amount, \$30,000 is fixed, with the remainder being variable based on the approximate \$7,000 in insurance costs and taxes. *Mayor Murphy* informed the insurance will be shopped in an attempt to find a lesser rate.

Mayor Murphy asked for Commission approval for the build-out costs, and to authorize him to sign the lease. With landlord's approval, the lease allows sub-letting. He informed the landlord has given verbal permission for build-out to start before the City's possession date of June 1, 2016. He hopes for the Code Enforcement to be fully operational at the new facility the first week in June.

Public Comment – None.

Motion: Move to approve expending \$10,800 for the build-out of the property located at 307 Pine Avenue, and to authorize the Mayor to sign a lease between the City of Anna Maria and Crescent Real Estate Holdings, LLC for rental of said location.

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

On Roll Call Vote, the motion carried unanimously.

5. City Pier Renovation/Refurbishment Proposal – *Mayor Murphy*

Mayor Murphy said based upon a study, the cost for repair at the City Pier totals \$2 million. The Tourist Development Council (TDC) has informally agreed to \$1 million in matching funds. Through the use of grants, the beach concession fund money, etc., *Mayor Murphy* said an additional one-half million dollars could be found.

After meeting with Pier tenant Mario Shoenfelder the previous week, *Mayor Murphy* announced Mr. Shoenfelder has offered to pay \$250,000 - contingent upon a re-negotiation of a ten-year lease. His second offer would be to cover the remaining one-half million dollar amount if the City would agree to him having two-years of free rent. In both cases, Mr. Shoenfelder wants compensation for any downtime he has. *Mayor Murphy* noted there is currently four years

and six months left on Mr. Shoenfelder's current City Pier lease. Mayor Murphy stated he would like Commission action to be taken when the full Commission is in attendance.

Manatee County Administrator Ed Hunzeker has informed the County will forward-fund the \$250,000 required for the engineering, printing, etc. Rather than forward-funding during construction, the County will only match funds as needed. Also, the City must be responsible for the project management. County funds will be contingent upon the City's use of the County's engineering firm.

City Attorney Vose presented the statutory requirements when hiring any engineering services. She noted engineering services are supposed to be bid per project.

Commissioner Webb stated he prefers the County run the bid process for obtaining the engineering services.

City Attorney Vose later stated it appears the State has already hired a firm for engineering services for pier refurbishment through the CCNA process.

Mayor Murphy informed the Manatee County concession funds are currently close to \$1 million. Release of those funds requires the signatures of all three Island Mayors. Mayors of both Bradenton Beach and Holmes Beach are willing to help, along with three of the Manatee County Commissioners.

After discussion, it was agreed the Commission would have further discussions once a full Commission is in attendance.

Public Comment – None.

Action: Chair Copeland will place the item on the next meeting agenda.

6. Mayor Update – None.

7. Commissioners Comments

Pools

Chair Copeland stated there's a rumor that a single-family residence, located next to a current duplex, was recently purchased by the neighboring duplex owner. He had heard the intentions were to share the pool between the two units. Doing so would result in 16 people utilizing the pool – which he felt would be similar to a motel.

Chair Copeland suggested discussing this issue at a future Work Session.

8. Attorney's Comments

Request for Shade Meeting

City Attorney Vose requested the Commission approve holding a Shade Meeting relating to the Federal Lawsuit. Time and date certain to be announced at a later date.

Motion: Move that at the request of the City Attorney, a Shade Meeting will be held regarding the Federal Lawsuit, with the time and date certain to be determined.

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

Motion carried – All Aye.

9. Staff Comments – None.

10. 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: Sandbar Fourth of July Celebration – 7/4/16 – 7pm to 10pm
- b. Special Event: Sixteenth Annual BayFest – 10/15/16 – 10am to 10pm
- c. Film Permit: 5/26 – 5/27/16 – LDS Church – Bean Point

Commissioner Webb stated during the last BayFest, property owners (including his property) located on Tarpon, had access to their driveways blocked. He recommended allowing property owners to block that area off if they wish - in order for them to maintain access to their properties.

Action: Commission consensus to allow property owners to block off their driveways during BayFest to allow their maintaining access to their properties.

Public Comment

Jonathan Crane, West Shore Avenue, recommended the Commission review the Special Events Permit Policy in an upcoming Work Session. He felt the permit fee was not high enough. He stated in Los Angeles County, permits are issued based on a percentage base, plus the permit fee. Noting his understanding the Food and Wine on Pine had made in excess of \$80,000, he suggested the Commission consider a 10% percentage as an amount more in line to address the disruption to the community.

Motion: Move that the Consent Agenda be approved as presented.

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

Motion carried – All Aye.

Press Comment

Clarification was provided stating Tarpon was where the driveways are being blocked during BayFest.

Adjournment

The meeting was adjourned at 6:56 p.m.



Diana L. Percycoc, CMC, City Clerk

Minutes approved: May 26, 2016