



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION SPECIAL MEETING/WORKSESSION JANUARY 8, 2015 – 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 Webb 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, Chair Chuck Webb, Commissioner Doug Copeland, and Commissioner Carol Carter.

**Also present:** City Clerk/Finance Director/City Treasurer Diane Percycoe, City Attorney Jim Dye, and Minutes Clerk Stacey Johnston.

**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.

## SPECIAL MEETING

1. **General Public Comment** – None.
2. **Request approval of appointment of five candidates for the City Pier Park Committee - John Chambers, Stevie Coppin, Dusty Crane, Ruth Uecker, and Liza Walker – Mayor Murphy**  
*Mayor Murphy* introduced Bob Patton who will serve as the City Pier Park Committee Chair. Also introduced was recommended committee members: Stevie Coppin, John Chambers, Ruth Uecker, Liza Walker, and Dusty Crane.

Mayor Murphy informed that the “No Trespassing or Loitering on this Property – Improvements being done at Park” sign has been taken down.

**Motion:** Move that Mayor Murphy’s recommendations of Bob Patton, John Chambers, Stevie Coppin, Dusty Crane, Ruth Uecker, and Liza Walker be appointed to serve on the newly created City Pier Park Committee.

**Action:** Approved. Moved by Commissioner Carol Carter, Seconded by Commissioner Doug Copeland.

**Motion passed unanimously.**

3. **Request approval of appointment of Maureen McCormick to P&Z, replacing vacancy left by Gene Aubry – Mayor Murphy**

*Mayor Murphy* introduced Maureen McCormick as his recommendation to serve the unexpired term of Gene Aubry on the Planning & Zoning Board.

**Motion:** Move that Maureen McCormick be appointed to fill the unexpired term of Gene Aubry on the Planning & Zoning Board.

**Action:** Approved. Moved by Commissioner Doug Copeland, Seconded by Commissioner Dale Woodland.

**Motion passed unanimously.**

**4. Request approval of appointment of Kathleen Grandstad to the EEEC - Mayor Murphy**

*Mayor Murphy* provided background information for Kathleen Grandstad as his recommendation to serve on the EEEC. Ms. Grandstad was unable to be in attendance.

**Motion: Move that Kathleen Grandstad be appointed to serve on the EEEC.**

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

**Motion passed unanimously.**

**5. Discuss terms and conditions for the hiring of Susan Travarthen, Outside Attorney for opinion and advice on vacation rentals, and get authorization from Commission – City Commission and Mayor Murphy**

*Mayor Murphy* announced that Attorney Susan Travarthen has agreed to provide an opinion letter on the “City’s Ability to Adopt or Enforce Vacation Rental Regulations.” Attorney Travarthen’s work will specifically encompass review and analysis of the three legal opinions already received from Attorney David Levin, Attorney Scott Rudacille, and Attorney Kevin Hennessy.

Attorney Travarthen will provide her opinion within three weeks after final approval and signing of the contract - at a cost of \$6,000, plus any fees. Subsequent meetings can be provided either by skype or in person at a cost of \$275 per hour. Mayor Murphy asked that the Commission approve the agreement in order to move forward.

**Motion: Move to approve the agreement and hiring of Attorney Susan Travarthen at a fixed rate of \$6,000, together with any applicable taxes and administrative fees, if any, for the purpose of providing an outside attorney for providing the City of Anna Maria with an opinion letter on the City’s Ability to Adopt or Enforce Vacation Rental Regulations.**

Discussion:

*Mayor Murphy* clarified for Commissioner Woodland that he was comfortable with the way the fees and costs would be determined.

*Chair Webb* explained that the billing method was typical.

**Public Comment** – None.

*Commissioner Woodland* felt the Commission should discuss if it was felt any additional meetings or skype meetings would be required.

*Chair Webb* felt the Commission should receive Attorney Travarthen’s opinion first. Any additional meetings to be billed on an hourly rate would be in addition to the initial opinion.

*Mayor Murphy* agreed. He informed in terms of the payment for the opinion, there are some residents that have offered to foot some or all of the bill. He stated if the City decides to accept citizen donations for reimbursing the Attorney, the City should first pay the Attorney - and then any amount received over and above would be placed in the City’s donation account with no strings attached.

**Action: Approved. Moved by Commissioner Carol Carter, Seconded by Commissioner Doug Copeland.**

**Motion passed unanimously.**

Discussion followed relating to the acceptance of donations. *Commissioner Yetter* questioned if donations could be anonymous.

*Commissioner Woodland* reminded that all records are public record.

*Commissioner Carter* felt a donor could choose to be anonymous. She noted that any donation to a City is actually tax deductible.

*City Attorney Dye* informed the only way an anonymous donation could be taken is if cash were to be left anonymously. Any receipt provided by the City would be public record.

**6. Present options for filling the City Attorney void as it relates to vacation rentals on a going forward basis, and obtain Commission approval – Mayor Murphy**

*Mayor Murphy* stated that the current situation the City has with current City Attorney Dye has rendered to be ineffective. He said he was in need of a full-time City Attorney. Under the Powers and Duties of Mayor as listed in

the Charter where the Mayor can appoint Officers - and suspend or terminate without pay such Officers -- Mayor Murphy asked that the Commission take action on the continued utilization of City Attorney Dye as the City's Attorney.

*Chair Webb* clarified that Mayor Murphy was making the decision to terminate City Attorney Dye and was requesting Commission approval to do so. *Mayor Murphy* stated that was correct.

**Public Comment** – None.

**Motion: Move to approve the Mayor's decision to terminate Dye, Dietrich - and James Dye as City Attorney.**

**Action: Approved. Moved by Vice-Chair Nancy Yetter, Seconded by Commissioner Carol Carter.**

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

*Attorney Dye* responded that someone will most likely contact him about what to do about files. He stated the City will have some decisions to make in the very near future. There are some deadlines that the City will have to respect. He stated it "had been a very short 20-something years."

*Commissioner Woodland* thanked Attorney Dye stating he appreciated his service.

*City Attorney Dye* was noted leaving at 6:14 p.m.

*Mayor Murphy* announced he will be asking for a Special Meeting to be called the following week for the Commission to consider approval for hiring an Interim City Attorney.

**The Special Meeting was adjourned at 6:14 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.**

### **7. Revenue Committee Report – Commissioner Carol Carter**

*Commissioner Carter* noted she had been charged with chairing a Committee to come up with ideas for increasing revenues in the City, with minimum impact on the residents. A report and recommendations from the City Revenue Committee was presented with Commissioner Carter noting they had not decided to approach the tax situation – and instead only focus on gifts/donations and grants.

*Committee member Maureen McCormick* presented suggested revenue committee recommendations. Explained were the reasons to pursue non-tax revenue. Ms. McCormick informed that areas not pursued were:

- 1) Business tax – After discussions with Attorney Dye, it was learned that the window for assessing business taxes was closed, and that Anna Maria had rescinded its opportunity to collect the tax.
- 2) The increase in Ad Valorem was also not pursued, as it was not in the scope of the Committee. Any increase would affect homesteaded properties - and the specific scope of the project was to look in areas that would affect where the impact was being created.

Ms. McCormick also explained the proposed Change of Use Fee, being a fee for the transition of a property from residential to a rental, or from a contractor to a buyer. Additional fees and Licenses included a re-occupancy inspection fee, increasing event fees that cause road closures and/or multiple days, and Vacation Rental Unit License Fees that would cover the cost of regulation such as Code Enforcement.

Storm Water Utility, Public Safety, Environmental, and Road Maintenance Impact fees were explained and proposed.

*Chair Webb* responded to the Committee's decision to not address implementing the Business Taxes, feeling from a legal perspective, it needs to be looked into again. *Chair Webb* informed he has read two different Attorney General Opinions where he feels like the City can implement the Business Tax again. Explanation followed.

*Mayor Murphy* responded he would have the Interim City Attorney research the issue. *City Clerk Percycoe* informed that an opinion could also be obtained from the Florida League Attorney.

*Chair Webb* stated that the City has never had impact fees. The purpose of impact fees is to develop a savings for future infrastructure. Noting that the County would collect the impact fees that were set up, he agreed they should be collected for water and sewer for improving the City's water and sewer system. Impact fees for roads are based on increased use caused by new development – for repairs and expansion of roads. *Chair Webb* explained that the fees can be based on the number of bedrooms per home. A study and someone with expertise should advise for the amount to charge that should be assessed. Discussion followed.

*Commissioner Copeland* pointed out that the Comprehensive Plan requires the City to set up an impact fee for recreation – which has never been done before. He felt a recreation impact fee should be started.

Committee member *Jonathan Crane* addressed the Commission relating to the proposed Gift Receiving Policy. He presented an example of his handling of a marketing campaign while serving as Attorney for the City of Los Angeles where donations were being solicited with strings attached. He said he was frustrated when the donated funds for the City Pier Park were overturned due to their being strings attached. He noted it was hard to accept a gift without there ever being strings attached - and felt the proposed policy would be a way of transparency, and would provide methods for making decisions, even if strings are attached with any donation.

*Commissioner Carter* said the Committee strongly recommends that funds are established for people to donate to. Examples included a fund for the City Pier Park, Gulf Front Park, etc., in order to more cleanly maintain the internal records. Doing so would also allow a person to focus their gifts in a general way – but not specifically stating what the donation must be used for. A General Fund account was also being recommended for placement of any donations not specifically allocated for.

*Commissioner Copeland* stated there were numerous residents who had indicated they would be willing to donate into a General Fund for Gulf Front Park. He agreed that a City Pier Park fund may have the same results.

*Chair Webb* stated he would have no problem with someone donating money for the City Pier Park. However, his concern when someone donates with having strings attached is when conditions are placed on a gift that would warrant the City's decisions in the future. He reminded that the Commission never voted to not accept the money for the City Pier Park. What occurred was that when the Commission began discussing whether or not there was strings or not, the grants were withdrawn by the donors.

*Commissioner Woodland* pointed out there is a lot of opportunity in the City to utilize citizen efforts to accomplish good things for the City. He then addressed the policy proposal of delegating the Mayor the authority to accept donations in an amount up to \$50,000.

Commission discussion followed. It was agreed there would be a difference between accepting the donations - versus expenditure of the money.

*Chair Webb* pointed out that some may feel their donation of funds could be used towards gaining confidence with the Commission and Mayor.

Different scenarios were presented relating to the donation of funds.

*Commissioner Carter* presented the idea that management would put together a plan for a specific project – one of the parks for example, which would be approved by the City Commission. Also, a gift receiving letter would be prepared for completion by the donator. Unrestrictive funds would be accepted by the Mayor who then informs the

Commission that a donation has been received. The Commission should have a plan in place for what they want the funds to be used for.

*Commissioner Yetter* felt it was important to be careful, noting that some people want to give, while others have alternative motives for giving. She did not want it to look like they were 'selling the City', feeling a lot of credibility would be lost going down that path. She was opposed to accepting any donations that are specified with strings attached. It was her opinion that donations should only be placed in a General Fund account, and she did not want to know who funds were received from.

*Chair Webb* discussed the City's millage rate, pointing out that the current millage is 2.05. Though not proposing it, he pointed out that the City can go up to 10 mills. The question is to determine how the vacation rental owners pay their share when there is one tax rate for everyone in the City.

Chair Webb presented the option of raising the millage and then giving back to the citizens in a net impact to them of zero or even a plus. A public purpose was needed for pursuing the idea. Examples were presented such as a hurricane fund, paying for additional code enforcement, solar fund, grants to citizens to retire part of their mortgage so they can stay in the City, and providing funds to citizens for replacing of windows, roofs, etc., that would encourage people to stay. It was noted that the example ideas could be reviewed by an Attorney to determine the legalities of what could or could not be done.

**Motion: Move to accept the City Revenue Committee report as presented and to move forward to set up procedures by Resolution for the acceptance of donations.**

**Action: Moved by Commissioner Doug Copeland, Seconded by Commissioner Dale Woodland.**

**Motion carried on a vote of 4 to 1 with Vice-Chair Yetter voting "No".**

**8. Continued discussion – Vacation Rentals – *Chair Webb***

*Chair Webb* stated he and Mayor Murphy had discussed the importance of having a City Attorney in attendance. As a result, it was felt the discussion relating to the vacation rentals should be postponed due to the potential need for legal guidance. Chair Webb informed it was not his role to provide any advice.

*Mayor Murphy* hopes to be in a position by the Tuesday or Wednesday of the following week to have a Special Meeting called for approving the appointment of an Interim Attorney.

*City Clerk Percycoc* reminded that a 24-hour advance notice of the meeting is required.

**Adjournment**

**On motion made by Commissioner Doug Copeland and Seconded by Vice-Chair Nancy Yetter, the meeting was adjourned at 7:05 p.m.**

  
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 Diana L. Percycoc, CMC, City Clerk

Minutes approved: 1/22/15