



City of Anna Maria

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MINUTES CITY COMMISSION REGULAR MEETING/WORKSESSION JUNE 25, 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, Commissioner Dale Woodland, Chair Chuck Webb, Commissioner Doug Copeland, and Commissioner Carol Carter.

Excused: Vice-Chair Nancy Yetter.

Also Present: City Clerk Diane Percycoe, Finance Director Maggie Martinez, Public Works Director George McKay, and City Planner Alan Garrett.

Press: Sun and Islander.

REGULAR 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

Introduction

Mayor Murphy introduced Bradenton Beach Mayor Jack Clarke who was in attendance to observe the Anna Maria meeting that evening.

2. Anna Maria Island Community Center – *Jim Froeschile, Treasurer and Kristin Lessig, Executive Director* *Anna Maria Island Community Center Treasurer Jim Froeschile* introduced himself noting he joined the Community Center Board last fall 2014 when the Center was facing a financial crisis. Mr. Froeschile reviewed the following:

- Causes of the Community Center's financial crisis to include a \$250,000 impact due to opening the new Center building with no offsetting goal of new projects and revenues; drop of donations from \$1 million per year to only \$200,000 per year; and drop of governmental organization support from \$200,000 per year to \$100,000 per year – all resulting in a deficit of \$200,000 per year totaling a \$1.2 million loss in the past six years - and cash reserves dropping below \$80,000. The following steps were taken where its felt going forward in the next fiscal year will benefit their bottom line as much as \$50,000 to \$100,000:
 - Major board member changes on the Community Center's Board.
 - Began emergency fundraiser efforts and contributions.
 - Took immediate steps to the way the Center was managing expenses and tracking revenue collection. Explanation followed.
 - Full review and restructuring of staffing and job descriptions.
 - Streamlined work areas.
- Restructuring of the Community Center's organization. Board member Cindy Thompson was hired as the Interim Executive Director. Kristin Lessig was hired to assist and has now accepted the position of Executive Director, while Cindy Thompson has stepped down and continues to serve as Vice-Chair on the Board.
- Drove empowerment and accountability down into the organization to include a business plan and budget.
- Launched three turnaround steps:
 - Identified what to do with the building asset by utilizing its space. Concept drawings have evolved

And the use of the open space to be utilized for multiple purposes. Additional new programs to follow.

- Created more balanced and year-round fundraising efforts and have gone to a year-round planning calendar. Fun events, etc. are being scheduled.
- Need to restore funding from government organizations. The typical amount of contributions in other community locations is 25% of their funding from governmental organizations. The Anna Maria Community Center, on the other hand, is only receiving about 10% of the total funding from the two Island Cities and from Manatee County. It is felt by the Community Center that their responsibility is to keep a direct dialog between the entities. Mr. Froeschile offered to address the Mayor and Commission at any time. The goal is for continued participation from the governmental entities.

Community Center Executive Director Kristin Lessig addressed the Commission explaining the Community Center's goal for the past six to seven months has been to continue developing a course of action for improvement - and to reconnect with the community.

Ms. Lessig informed the Anna Maria residents represent approximately one-third of the Community Center participants, 21% are participants from off the Island, and 45% are from Bradenton Beach and Holmes Beach. The majority of memberships come from families and seniors. A small percentage are seasonal or persons on vacation.

The Community Center staff has been working hard toward bringing back teen programs. Additional new programs include: Teen events, engaging the teens in community events, programs for teens to help around the Community Center, a Teen Program to include traveling to Busch Gardens, etc., development of family programs like Mommy and Me Yoga, implementation of therapy programs such as parenting workshops, availability of the on-staff Social Workers, etc., looking into types of childcare programs, adult programs, company teambuilding, senior programs and trips are in the process of being developed, and events to be held such as fish fries and concerts.

The Community Center services include providing shelter, partnership with the hospital for different types of screenings and expos this fall, and will be holding yoga classes and volleyball on the beach.

Discussion and explanation followed relating to the number of sports teams on the Island.

Commissioner Woodland noted the addition of the vegetation in front of the Community Center was a great improvement.

Commissioner Woodland suggested implementing a program to allow the kids on the Island to do murals on buildings, posters for events, etc.

Commissioner Carter reminded a multi-tiered plan is needed for bringing in fundraising.

Mayor Murphy thanked Mr. Froeschile and Ms. Lessig for their excellent presentation that evening.

Mr. Froeschile thanked both Mayor Murphy and Holmes Beach Mayor Bob Johnson for meeting with them, presenting ideas, and reaching out to the Community Center and allowing the opportunity to begin developing a relationship with the Cities.

2.1 Request Approval for Paving Project Funding – Mayor Murphy

Mayor Murphy informed paving has been completed on Gladiolas, Crescent Drive, and will be paving Gulf Drive and Magnolia. The net cost is \$198,000 and the City had budgeted \$161,000. Noting the City did not spend all the reserve monies the previous year (carried over \$141,000 in paving from last year), Mayor Murphy stated a

budget amendment would be required in order to take the \$37,000 from the Paving Reserves. He proposed borrowing \$37,000 from the Cell Tower account, proceed with the Budget Amendment that will take two readings, and then pay back the Cell Tower account once the Budget Amendment is adopted.

Commissioner Woodland felt there was no objection to the paving projects but felt they should be planned for prior to completion - versus after the fact. *Commissioner Woodland* suggested the City have a 5% contingency fund in place – which could be utilized in cases like the one being discussed.

Public Comment – None.

Motion: Move to approve transferring \$37,000 from the Cell Tower Budget to pay the balance due for the Paving Projects. Said Cell Tower Budget will be replenished from the Road Reserve Fund upon the adoption of the Budget Amendment.

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

Motion carried – All Aye.

3. Resolution #15-711 - Stormwater Management Utility Fee Schedule – *Engineer Lynn Burnett*

Engineer Burnett read the Resolution title.

Engineer Burnett explained the Resolution established the Stormwater Management Utility rate. Following the adoption of Resolution 15-711, the City will move forward with finalizing all documentation with the County Property Appraiser’s office who will be conducting Workshops in August. The fees will then appear on the TRIM notices.

The current Stormwater Management Utility rate was based on the old methodology of \$45 per residence per residential unit, and then a complicated calculation based on pervious surface. The old methodology will cover the first six months of 2015, with the new rate covering the second six months.

Public Comment – None.

Motion: Move that Resolution 15-711 be approved for adoption.

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

On Roll Call Vote, the motion carried unanimously.

4. Resolution #15-712 - Stormwater Management Utility Appeal Process – *Engineer Lynn Burnett*

Engineer Burnett read the Resolution title.

Engineer Burnett informed Resolution 15-712 was basically the same as the Resolution in effect prior that had the older methodology. Resolution 15-712 has been updated to include the new procedures.

Public Comment – None.

Motion: Move that Resolution 15-712 be approved for adoption.

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

On Roll Call Vote, the motion carried unanimously.

5. **Ordinance #15-795 - Final Hearing - Adopting Planning and Zoning Board Members – City Attorney Vose**
Planner Garrett read the Ordinance title.

Public Comment – None.

Motion: Move that Ordinance 15-795 be approved for Second Reading and Adoption.

Action: Approved. Moved by Commissioner Carol Carter, Seconded by Commissioner Dale Woodland. On Roll Call Vote, the motion carried unanimously.

6. **Ordinance #15-793 - Final Hearing - Adopting Temporary Moratorium – City Attorney Vose**
Planner Garrett read the Ordinance title.

Commissioner Woodland said he was still opposed to adopting the Temporary Moratorium and did not feel it was necessary. He reviewed the 11 items listed in Section I of the Ordinance to be discussed by the Commission during the moratorium. He felt many were very simple and would not take long to complete, while another would be an administrative function.

Chair Webb responded noting once the moratorium is in place, a hold will be placed on the building permits, until such time as the Commission has adopted appropriate amendments to the City's code. He felt it was important to implement a moratorium, and that he did not want permits issued while new Ordinances are being adopted.

Commissioner Woodland recommended adopting a two-month moratorium that could be extended if needed.

Chair Webb pointed out that the fastest way to adopt the amended Ordinances would be a minimum of two months. He is comfortable with the Ordinance as written.

Discussion followed relating to the number of allowed bedrooms as part of the Ordinance. *Chair Webb* recommended continuing the Second Reading until the next meeting when Commissioner Yetter would be in attendance.

Mayor Murphy strongly encouraged the Commission to approve four bedrooms, stating four-bedroom homes are needed if the Commission wants to encourage families to move to and live in Anna Maria.

Public Comment – None.

Motion: Move that the Second Reading and adoption of Ordinance 15-793 be continued to the time and date certain of Thursday, July 9, 2015 at 6:00 p.m.

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

Motion carried on vote of 3 to 1 with Commissioner Dale Woodland voting No.

Yes: Commissioner Carol Carter, Commissioner Doug Copeland, Chair Chuck Webb.

No: Commissioner Dale Woodland.

Absent: Vice-Chair Nancy Yetter.

7. **Ordinance #15-797 – First Reading – Commissioners Attending Meetings by Electronic Means – City Attorney Vose**
Planner Garrett read the Ordinance title.

City Attorney Vose stated she was requested to prepare the Ordinance to address when a Commissioner would be unable to attend a meeting due to illness, vacation, etc., they would have the opportunity to attend by electronic means. According to the Attorney General, this process can be utilized only whenever physically unable to attend. The Commissioner should have the ability to hear, participate, and vote in discussions. There must be a Commission quorum physically present prior to allowing Commission attendance by electronic means.

Public Comment

P&Z Chair Jonathan Crane, Anna Maria, asked if the Ordinance would also apply to the Planning & Zoning Board.

City Attorney Vose advised the Ordinance would need to be changed in order to allow the procedure to include the P&Z Board.

Chair Webb recommended Mr. Crane ask the P&Z Board to see if they would like the ability to utilize the electronic means for attending meetings in the event of their absence. If so, an Ordinance can be drafted at that time.

8. Mayor's Report

July 4 Weekend

Mayor Murphy announced a couple of meetings were held with both the Code Enforcement and with Waste Management as to the strategy for the July 4 weekend. Waste Management has agreed to have trucks available on Sunday, July 5 at 6:00 a.m. Also, close to 100 additional cans will be put out and picked up at the beach access points. Public Works will be on duty over the holiday weekend to make sure there is no backlog of trash in the streets, etc. Waste Management has also agreed to cover three other holidays, along with the potential of covering the Spring Break periods.

Extra Sheriff Deputies will be on duty over the July 4 weekend, along with Sandbar Restaurant owner Ed Chiles employing Deputies as well. Code Enforcement will be working the entire weekend to address code and parking issues.

City Pier Park Status Update – Bathroom Construction

Mayor Murphy reminded he had informed the Commission that in order to flood-proof the City Pier Park bathrooms, they could either have special doors, bathrooms being placed on a mound, or utilizing a holding tank. Wanting ADA compliance, Mayor Murphy had recommended the holding tank as the option. After meeting with the County, he was advised the County bolts panels on the sides of the restrooms in case of storms. All of the County's bathrooms are ADA complaint.

Mayor Murphy presented the recommendation to the architect who has now come back with a complete new set of drawings. Said drawing will be presented to the Commission at an upcoming meeting.

9. City Commissioners Reports.

BIEO

Commissioner Carter announced she, Bradenton Beach Commissioner Janie Robertson, and Holmes Beach Commissioner Jean Peelen had agreed to form a group to discuss an Island-wide vision for following up on some of the ULI recommendations. Plans include a resident's revival for rebalancing the community on the Island.

Commissioner Carter will continue to update the Commission.

Commissioner Woodland reminded some of the visitors to the Island live in Manatee County. What discourages them from coming to the Island is they get stuck in traffic.

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. Approve Minutes: 4/23/15 CC Reg Mtg; 5/14/15 Spec Mtg/WS; 5/28/15 Regular Meeting/WS Mtg; 6/11/15 Spec Mtg/WS
- b. Special Event: Sailings & Ham Wedding – October 6, 2015, 11 am – 7 pm

Chair Webb asked to pull Consent Agenda item # b. - and *Commissioner Copeland* asked to pull the April 23, 2015 CC Reg Mtg minutes.

➤ **Motion:** Move that the following Consent Agenda items/Meeting Minutes be approved as presented: 5/14/15 Spec Mtg/WS; 5/28/15 Regular Meeting/WS Mtg; and 6/11/15 Spec Mtg/WS.

Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Doug Copeland. Motion carried – All Aye.

➤ a. Approve Minutes: 4/23/15 CC Reg Mtg

Commissioner Copeland asked that “brother” be corrected in two places on page 7 to read “son-in-law” – discussion Item # 5 – Paid Parking.

Motion: Move that the 4/23/15 CC Reg Mtg minutes be approved as corrected.

Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Carol Carter. Motion carried – All Aye.

➤ b. Special Event: Sailings & Ham Wedding – October 6, 2015, 11 am – 7 pm

Mayor Murphy informed there had been a request to reserve a large portion of Bean Point for a wedding. Thirty-five would be in attendance. He felt the 11:00 a.m. to 7:00 p.m. timeframe seemed to be excessive, so has requested further information. He has contacted the Applicant both by phone and by email. To date, Mayor Murphy has not received a response from the Applicant - and asked that the request be tabled until he does.

Motion: Move to table Consent Agenda item # b – Special Event: Sailings & Ham Wedding – October 6, 2015, 11 am – 7 pm.

Action: Moved by Commissioner Doug Copeland, Seconded by Commissioner Carol Carter. Motion carried – All Aye.

11. REPORTS AND UPDATES:

- a. Sheriff’s Report (Written)
- b. Building Department Reports (Written)
- c. Public Works’ Department Report (Written)
- d. Code Enforcement/City Pier Report (Written)
- e. Ordinance Update (Written)
- f. Financial Report (Written)

The Commission Regular Meeting was closed by Chair Webb at 7:12 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 Webb called the Commission Worksession to order at 7:12 p.m.

12. Discussion: LAR Changes – Planner Alan Garrett

Planner Garrett reviewed the proposed LAR, changes stating changes have been made to the definition for “Habitable area” and “Living area ratio (LAR)”. Added to the Living Area Ratio (LAR) definition is “The Living Area Ratio shall be measured from the exterior dimensions of all structures. Stairwells shall be included in each level as habitable floor area.” The change will address the current interpretation being made by certain builders in the City.

Commissioner Carter had asked if the 37-ft. height maximum would allow for three living stories. She was informed by Planner Garrett it would only allow for two living areas over parking.

Commissioner Woodland felt the contractors will continue to find ways to get around the Ordinances that are written. He asked that the Building Department inform the Mayor whenever the Contractors are finding ways to get around the codes - or whenever staff has questions relating to interpretations of the code so it can be addressed by the City Commission.

Action: Consensus for Planner Garrett to move forward and place the amended definitions in an Ordinance format for Planning Commission and City Commission consideration.

13. Discussion: Ordinance #15-791 - Amending Vacation Rental Ordinance – City Attorney Vose

City Attorney Vose presented the proposed Ordinance changes. Discussion included:

Sec. 108-56. Quiet hours and pool hours.

Noting the City has a Noise Ordinance for the City that is much stricter than the Sec. 108-56 language, *City Attorney Vose* recommended removing Sec. 108-56. References to the Noise Ordinance would then be added into Ordinance 15-791 indicating it must be followed as part of the Vacation Rental License.

City Attorney Vose recommended the Vacation Rental Agent be called in the event of any noise complaints.

Commissioner Copeland noted the Sheriff’s Department would first be called. If they are unable to have the issue remedied, the Agent could then be contacted.

Chair Webb noted there had been no Magistrate Hearing for Noise Ordinance violations. However, neighbors have complained about noise. As a result, the Commission agreed on the quiet hours.

Commissioner Woodland said he would have no objection to modifying the Noise Ordinance. He further felt the residents should be treated the same as the renter – and noted many of the Rental Agent’s contracts are stricter than the City’s.

Lengthy discussion continued.

Action: It was the consensus for City Attorney Vose to expand the provisions of Sec. 108-56. Quiet hours and pool hours.

Sec. 108-4. Penalties and enforcement. (d) Suspensions of license.

Language added relating to any “Unresolved” cases as referenced in the Vacation Rental License.

Commissioner Woodland voiced his concern about the way Sec. 108-4. Penalties and enforcement. (d) *Suspensions of license.* was written relating to the three unresolved violations being cause for suspending a Vacation Rental License.

Commissioner Woodland stated after speaking to Anna Maria Accommodations owner Michael Brinson, he found that Mr. Brinson is not only the business owner, but also the businesses only Vacation Rental Agent.

Discussion followed relating to the categories falling under an “unresolved” violation.

Commissioner Woodland stated he was very comfortable with suspending a Vacation Rental License whenever three violations have been issued on one particular agency’s property within a 12-month period. The concern is if there are three violations – but on three different properties managed by one agency.

Chair Webb suggested the primary Vacation Rental Manager is always responsible to oversee their rentals, but someone different in their organization could be used if they want.

Chair Webb disagreed that a Property Manager should have their Vacation Rental License suspended whenever they had received three violations. He noted they have numerous properties.

Vacation Rental License Lawsuit

Commissioner Copeland asked City Attorney Vose when she felt the City would end up in court to defend the lawsuit that was filed relating to the Vacation Rental License Ordinance.

City Attorney Vose did not feel the City would end up in an actual Hearing. She reminded the City was currently addressing the issues that had been brought up in the lawsuit. Also, the City would not start to enforce the Ordinance until January 2016.

Sec. 108-52. Minimum safety and operational requirements.

(c) Swimming pool, spa and hot tub safety.

Commissioner Woodland recommended deleting the entire subsection (c).

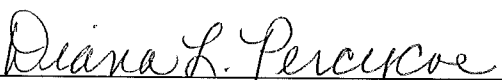
Commissioner Copeland said he researched screening of swimming pools, finding most indicated their screening was effective at a minimum height of 8-ft. to 15-ft. He asked the Commission to keep in mind that by State Law, all pools are required to have fencing around them.

Mayor Murphy pointed out in many cases it would require people to remove and replace landscaping to put up fencing.

Press Comment – None.

Adjournment

On motion made by Commissioner Doug Copeland, and Seconded by Commissioner Carol Carter, the meeting adjourned at 8:05 p.m.


Diana L. Percycoe, CMC, City Clerk

Minutes approved: July 23, 2015