



CITY OF ANNA MARIA

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MINUTES CITY COMMISSION SPECIAL MEETING JANUARY 28, 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.

Absent: Vice-Chair Nancy Yetter.

Also present: City Clerk/Finance Director/City Treasurer Diane Percycocoe, Interim City Attorney Ricinda Perry, Building Official Bob Welch, City Planner Allen Garrett, and Minutes Clerk Stacey Johnston.

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. **Presentation** – *Andy Hanson, Account Executive, West Florida - Florida Municipal Insurance Trust*

Andy Hanson, Anna Maria's local representative for the Florida Municipal Insurance Trust (FMIT), addressed the Commission informing that FMIT had been insuring the City since 1983. Mr. Hanson presented a PowerPoint presentation depicting the City of Pensacola and FMIT's Risk Management and recovery services after a natural disaster.

Mr. Hanson stated he was very familiar with Anna Maria. He lives in Bradenton and has a home in Holmes Beach. Explanation followed relating to Anna Maria's FMIT insurance coverage. He noted Anna Maria's wind coverage is covered by Citizens Insurance – and not FMIT. FMIT's finance and insurance is based out of Orlando, with their legislative arm based out of Tallahassee.

Mr. Hanson explained that FMIT provides insurance benefits for local governments only. They do not service the private sector. Over the last seven years, \$37,000 in premiums have been returned to Anna Maria. Explanation followed.

Additional FMIT benefits include matching Safety Grants, a Pre-Disaster and Post-Disaster program, Risk Control (Ken Blaser, Risk Control Consultant), Drug-free Work Place programs to assist City Workmen's Comp premiums, and Risk Control Courses. Mr. Hanson encouraged the City to visit the Florida League of Cities website to take advantage of the FMIT training programs.

Discussion followed relating to the City's coverage for Bert Harris claims. Mr. Hanson explained that Bert Harris coverage is covered under the liability side, with the standard limit of \$300,000. However, October 1, 2014, Anna Maria increased its Bert Harris coverage from the \$300,000 amount to \$1million aggregate. Each Bert Harris claim has a \$5,000 deductible. Coverage begins upon the City notifying FMIT of the claim. Inverse condemnation claims are also covered by FMIT. All claims are based on the fiscal year – October 1 to September 30.

Mr. Hanson encouraged the City to always advise FMIT of any claims, even if no suit has been filed. Doing so will allow the claim to be tracked.

Interim City Attorney Perry asked if the City's insurance could be subject to cancellation in the event of submitting an excessive amount of claims.

Mr. Hanson informed he had been with the League for seven years and no member's insurance had ever been cancelled due to claims. He noted a member's premium may increase based on the number of claims since every member is evaluated annually. Triggering an increase, however, is different than for the private market. Risk Management would step in and help correct the situation prior to increases being assessed.

Mr. Hanson will be working with City Clerk Percycocoe relating to FMIT's Safety Grant and Drug Free Workplace opportunities. A copy of the Safety Grant information and application was provided to the Commission for their review.

3. Remaining Bert Harris Settlement Agreements – *Interim City Attorney Perry*

Interim City Attorney Perry addressed the Commission relating to the remaining outstanding Bert Harris settlement agreements.

Shawn Kaleta Properties

No response has been received from Mr. Kaleta or his attorney Sean Kelly relating to Attorney Perry's forwarding of a bonafide offer. The Commission's offer would allow Mr. Kaleta to build pre-LAR.

Abrahamson Properties

Attorney Perry then addressed the four settlement agreements as it relates to the following Abrahamson properties: 607 North Bay Blvd, 508 Spring Avenue, 857 North Shore Drive, and 104 Magnolia Avenue.

At a previous meeting, the Commission had tasked City Planner Garrett with running the calculations on each of the four properties to determine if what was provided by the claimant was correct. Based on Planner Garrett's calculations, he reported all calculations were correct except for the 508 Spring Avenue property. After Planner Garrett contacted Mr. Abrahamson's Attorney Scott Rudacille, it was recognized that there had been a typo with the calculation provided by the claimant. Attorney Rudacille agreed Planner Garrett's calculations were correct.

Detailed explanation followed with Planner Garrett explaining how the properties would be built based on the claimants request to build pre-LAR, 50% lot coverage, and by following the LAR architectural design. He pointed out that without any restrictions, each side can be vertical the entire length of the side – box housing pre-LAR. With the LAR architectural design, the homes would be built with the cottage effect. All structures are still required to comply with the Stormwater Management section of the code.

Interim City Attorney Perry stated in recognizing the claimant's calculations were correct, she had finalized all four of the Settlement Agreements - and they are ready to be executed. She pointed out that Mr. Abrahamson has allowed for two extensions and had been working well with the City. Attorney Perry felt the Commission was now prepared to take action and move forward with approving the Settlement Agreements that evening.

Planner Garrett informed that the 50% coverage would not allow for any increase in the square footage of the house to be built. What it will allow is more coverage as far as driveway, pool decking, etc. Further explanation followed.

Attorney Perry pointed out the Settlement Agreement language states 'The Owner shall demonstrate that their projects will include a minimum of three of the following design elements - elevated decking, vertical depth variations in the front building face, varied front façade materials, or varied roof elements or roofline – to minimize any potential "big box" effect or visual element.'

Attorney Perry then discussed the language added to the Settlement Agreements stating the Owner shall have the right and option to develop the properties in accordance with the applicable ordinances of the City that are in effect at the

time of application – and if doing so, shall not be required to comply with the mitigating measures as provided, or any other building limitations.

Public Comment – None.

- **Motion: Move to approve the Abrahamson Bert Harris Settlement Agreements as presented by Interim City Attorney Perry for properties at 607 North Bay Blvd., 508 Spring Avenue, 857 North Shore Drive, and 104 Magnolia Avenue.**

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

Vote: Motion passed (summary: Yes = 3, No = 1, Absent = 1).

Yes: Commissioner Carol Carter, Commissioner Dale Woodland, Commissioner Doug Copeland.

No: Chair Chuck Webb.

Absent: Vice-Chair Nancy Yetter.

- **Motion: Move to authorize the Mayor to execute the four Abrahamson Bert Harris Settlement Agreements on behalf of the City.**

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

Motion carried – All Aye.

Kaleta Properties - Continued

Commissioner Woodland asked for clarification on the status of the Kaleta properties.

Attorney Perry informed the City has fulfilled its responsibilities of presenting a bonafide offer within the required time period. The offer presented was allowing Mr. Kaleta to build pre-LAR. No response has been received from Mr. Kaleta or his attorney as of this date. *Attorney Perry* explained that Mr. Kaleta does not have to accept the offer presented by the City. If Mr. Kaleta rejects the offer, he does have the option to file a claim in court. She explained that former City Attorney Dye had made the offer to Attorney Sean Kelly, Mr. Kaleta's counsel. Mr. Kaleta did not make the offer to the City.

Attorney Perry informed that Attorney Kelly was to take Attorney Dye's offer to Mr. Kaleta. If Mr. Kaleta agreed to the settlement, he would then take that same settlement for his other property. Attorney Dye would then have brought the settlement back to the Commission for final approval.

Commissioner Carter informed she attended a meeting that included former Mayor SueLynn, Shawn Kaleta, and Mr. Kaleta's attorney Sean Kelly. After a back and forth discussion that became fairly combative from Mr. Kaleta's point of view, they had not heard anything further from them. There was nothing agreed upon or signed at that meeting. She said it was her understanding that Mr. Kaleta's claim at 101 Willow included all three units. However, when reviewing the final information provided by Attorney Perry, she recognized they were only applying for 101 Willow A – only a part of that structure area.

Attorney Perry stated Mr. Kaleta had not raised a claim on the other two units in a timely manner. There has only been one property having a Bert Harris claim filed on it – and there is a statute of limitations for filing any claim.

McLean Property

Commissioner Copeland asked for status relating to the McLeans Bert Harris claim.

City Clerk Percycoe informed she had mailed the executed Settlement Agreement to the McLean's Attorney. The City has not received the fully-executed copy back yet. City Clerk Percycoe received an email from the McLean's earlier that morning and informed the check was to be sent certified mail to the attorney office. The check was then sent out by City Clerk Percycoe.

Chair Webb commented that until the agreement is fully-executed, there is no agreement. Therefore, the check should not have been sent yet.

Attorney Perry informed that the McLean's attorney has asked that payment be made prior to recording of the document. She will contact their attorney that evening and ask they do not cash the check prior to execution of the contract.

Chair Webb said he would like to clear the air feeling the legal guidance the Commission had received in the past was not good - and authority was taken on by the attorney when not given direction by the Commission. He stated that no Commissioner or staff member has the authority to present a settlement offer – and that it must come from the Commission. He stated the past City Attorney should have provided the City Commission with the details and offers in a timely manner.

Chair Webb felt they got set up and that the Commission should have had the information two weeks after the claim. However, they had trusted the attorney. He noted the Commission may want to adopt a Resolution formalizing everything. He also felt it was interesting what Mr. Hanson had said about the City's Bert Harris coverage – and that the City can get representation once a claim is filed.

Commissioner Carter said she would like to go on record to acknowledge Interim City Attorney Perry had given her more information over a three-day period - than received in a three-month period from the previous City Attorney. Also, the Commission thought there was a \$300,000 Bert Harris claim limit, and have now found there is a \$1million limit.

Interim City Attorney Perry informed the Settlement Agreements will be recorded due to lawsuits being filed.

4. Discussion: Seasonal 4-way Stop Sign at Magnolia Avenue and Gulf Drive – Mayor Murphy

Mayor Murphy informed that the corner of Magnolia Avenue and Gulf Drive is a safety hazard. There has been a serious problem with cars edging out at that area - and there's an opportunity at that location for someone to get injured. He recommended a 4-way Stop Sign be installed at that corner, and tried on a seasonal basis. Mayor Murphy asked that the Commission direct staff to draft an Ordinance for placing a 4-way stop at Magnolia Avenue and Gulf Drive.

Chair Webb voiced concern that placing a stop sign on Gulf Drive will slow the traffic - also slow traffic on the other roads on Magnolia Avenue to the north. He was concerned the traffic would get backed up at the Gulf Drive stop sign, will block Spring Avenue, and could cause a gridlock.

Mayor Murphy said while he understood the concerns, he would like to put it in place and try it. The Sergeant also agrees and would monitor it. If a backup is seen, the stop signs can be pulled. He pointed out the flashing speed sign had been installed at the Anna Maria city limits. Based on adopting an Ordinance, the earliest the stop signs could be installed would be the end of February. Mayor Murphy asked to measure the need for the sign through Easter – April 5th. The signs can be pulled if it ends up being a problem.

Commissioner Copeland asked about the traffic getting into the habit of stopping and then the signs would suddenly be removed.

Mayor Murphy noted it will require close monitoring on the part of the Sheriff's Department. Also, phone calls and any emails received will be addressed as they occur.

Motion: Move to authorize the Mayor to have an Ordinance drafted for placing a Stop Sign at Magnolia Avenue and Gulf Drive.

Discussion:

Mayor Murphy pointed out there had been a lot of close calls at the Magnolia Avenue and Gulf Drive intersection due to the parking at Ginny and Jane's, and the heavy traffic there to the Community Center.

Commissioner Carter noted there are painted lines at Willow and Oak -- but no Pedestrian Crossing signage.

Mayor Murphy stated it can be addressed in the same Ordinance that he will bring back at the next meeting.

Public Comment

Ruth Uecker, 318 Magnolia Avenue, agreed that Magnolia Avenue was one of busiest side streets in the City. She pointed out there is a stop sign in front of her home, however, sometimes people do not stop. She said people have to pull out to see around the vehicles that are parked at the end of Magnolia Avenue and Gulf Drive. She also felt that area was a bad situation for pedestrians - and agreed stop signs should be installed on a trial basis.

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

Motion carried – All Aye.

Commission Comment

Commissioner Carter asked if the Vacation Rental discussion was scheduled on an upcoming agenda.

Chair Webb said it was not scheduled on the agenda yet. Review of the opinion received will be discussed at the first meeting in February.

Commissioner Copeland reported to *Chair Webb* (who was not in attendance at the last meeting), that though the City does not have a permanent Attorney at this point, there was consensus of the Commission at the last meeting to begin reviewing the Ordinance drafted by Planner Garrett prior to the end of February.

Chair Webb will place the discussion on a future agenda where he said his concerns will be voiced.

Press Comment – None.

Adjournment

The meeting was adjourned at 7:07 p.m.



Diana L. Percycoc, CMC, City Clerk

Minutes approved: 2/26/15