



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION SPECIAL MEETING APRIL 21, 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, Commissioner Carol Carter, and Vice-Chair Nancy Yetter.

**Also Present:** City Clerk Diane Percycoc, Deputy Clerk II/Finance Debbie Haynes, City Attorney Becky Vose (via Conference Call), and City Planner Bruce McLaughlin.

**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. **Ordinance 16-811 – Continued Final Public Hearing – Repealing of Moratorium – City Attorney Vose**  
*City Attorney Vose* read the Ordinance title. *City Clerk Percycoc* confirmed the Ordinance had been properly advertised and noticed.

*City Attorney Vose* acknowledged that in her opinion, all eleven items listed in the previous Moratorium Ordinances had been met.

At the last meeting, there was a question as to whether or not the covenants on the nine properties had been executed. *Mayor Murphy* reported there were no permits issued for any dwelling having over four bedrooms without a covenant – with the exception of two properties: Liza and Chip Walker property and property located at 423 Spring Avenue. There are currently six covenants pending. A total of eight covenants have already been issued.

*Commissioner Webb* said if the last Moratorium Ordinance 15-803 is repealed, there may be an issue whether they need deed restrictions. He is in favor of ending the moratorium, but felt the key provisions of Ordinance 15-803 should be kept in effect as far as the deed restriction – since if repealed, the deed restriction option goes away. However, any new building permits would not be subject to the moratorium.

*Chair Copeland* clarified Commissioner Webb's suggestion would allow those people having permits and not yet been issued a Certificate of Occupancy (CO), and not signed a covenant, would still have the option of doing so prior to issuance of their CO.

*Commissioner Webb* recommended adding a Section 7 to the Exceptions in Ordinance 15-803 that states: "Section 1. Moratorium – (Exceptions) - 7. For the Building Permits applied for after the effective date of this Ordinance." He also recommended removing the following language in Ordinance 15-803:

Section 1. MORATORIUM – "If the review and revisions of the city's land use regulations are completed before the passage of the said six month period, the City of Anna Maria will repeal the Moratorium, and if the review and revisions are not completed by the end of such six month period, the City of Anna Maria may extend such Moratorium as needed."

Commissioner Webb voiced concern if the covenant language was repealed, someone could come back in and ask for their covenant to be voided.

*Commissioner Webb* informed the recent appeal was not the reason for his suggested language. His concern relates to the fact there are only 15 covenants applied for - versus the amount of construction that has occurred without a covenant in place.

*Chair Copeland* informed the Commission can either repeal the Ordinance at it stands – or continue the Ordinance as it stands. He reminded City Attorney Voss has provided an opinion that any building permits currently in the pipeline for over four bedrooms will need to file a covenant due to their building permit application being accepted during the timeframe when the provision for filing for a covenant was in effect – and a provision of their building permit.

Discussion followed.

*Commissioner Yetter* stated she was uncomfortable with repealing the moratorium.

*Commissioner Webb* voiced concern as to whether or not the Commission actually addressed the following three items, out of the 11 required items, prior to repealing of the moratorium:

- #5 – Building Code / Fire Code amendments to provide for fire safety for non-single family residential use structures;
- #6 – Building permit fee based on square feet or number of bedrooms; and
- #7 – Segregation of building permit from other development permits, and establish separate zoning/land use permit.

*City Attorney Vose* advised the recommended changes would require a title change, re-advertised, and would also require P&Z Board review.

*Commissioner Carter* presented the suggestion that the proposed Ordinance dies, to focus on the pending building permits that do not have signed covenants, and if there are any concerns that all of the 11 requirements had not yet been met, a new Ordinance would be drafted to address the remaining requirements.

Noting not all covenants had not yet been recorded, *City Attorney Vose* felt once they are recorded, the issue will be mute.

*City Clerk Percycoe* informed she had reviewed the building permit files to verify the number of bedrooms. She did not, however, review any of the plans

*Chair Copeland* further noted the number of bedrooms would also be caught during inspections. He felt the staff needs to be trusted.

*Commissioner Yetter* agreed the City has a good staff. She noted, however, that the staff is over-worked and there is a lot going on staff can't catch.

*Commissioner Webb* felt the plans need to be reviewed also.

*City Clerk Percycoe* added that she believed the Building staff reviewed the plans and City Planner, Bruce McLaughlin, confirmed that he had seen both Char Patterson and Kristine Dittmann reviewing the plans.

Discussion followed. *Chair Webb* clarified if the Ordinance was voted down, it will automatically expire May 11. Staff will then have until May 11 to file the remaining covenants in proper form.

*Chair Copeland* opened the public comment portion of the Hearing.

*Hearing no public comment, the Public Hearing was closed.*

Both Chair Copeland and City Attorney Vose recalled that all 11 of the required items had been addressed by the Commission. A review of the items followed.

*Chair Copeland* asked for a motion. He pointed out if the proposed Ordinance is approved, the moratorium will go into effect. If the Ordinance is not approved, the moratorium will not be repealed, and the moratorium will expire on May 11, 2016.

**Motion: Move that Ordinance 16-811 not be approved.**

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

**Roll Call Vote – All Aye.**

**3. Authorization of City Pier Park Sign – *Mayor Murphy***

*Mayor Murphy* said there's an issue as to where the City Pier Park sign will be placed. Palm Trees would have to be removed in order for the sign to be placed in the appropriate location within the code. City Planner McLaughlin is looking at creative ways for placement of the sign within the requirements. The City Pier Park sign should be back up within the week.

**4. Mayor's Comments**

Vacation Rental Application Update

Staff has completed 140 Vacation Rental inspections so far, with many being completed during the Saturday rental change-overs. To date, only seven have been rejected.

Code Enforcement Office Location

Mayor Murphy is looking at relocating the Code Enforcement Offices. A proposal will be presented to the Commission the following week during their Regular Meeting. Mayor Murphy will ask that he be given the authority to negotiate on obtaining office space for the Code Enforcement Department.

**5. Commissioners Comments**

Proposed Community Development Fund

*Commissioner Carter* announced she, Holmes Beach Commissioner Peelen, and Mr. Jack Brennan have been making inquiries on what to call a Community Development Fund if she were to set up a 501(c)(3) for the Island. The goal would be for setting up a fund for the cottage-type buildings to be available as annual rentals. Commissioner Carter reminded the ULI study suggested this be done in terms of the population on the Island.

The group met earlier that day with Christine Johnson of the Conservation Foundation. Details followed.

Thank You expressed to City Attorneys

*Chair Copeland* thanked City Attorney Vose and Wade Vose for the fantastic job they did in defending the City on the recent court case. The Commissioner's all agreed.

City Planner Update

*Chair Copeland* announced he spoke to Planner McLaughlin just prior to the Commission meeting and ask that he bring any items of concern to the Commission. Planner McLaughlin had indicated he has already began a list of items.

*Mayor Murphy* informed there were two items the City had not been enforcing. He asked Planner McLaughlin to provide an update.

*Planner McLaughlin* said in reviewing the requirements for submittal of the dock permits, an overall site plan was also required. The City will be requiring the site plans going forward.

In addition, a number of items were not being enforced as far as swimming pools – requiring a survey was one of the requirements.

Site Plans are also to show the areas for vegetation affected by any pool construction.

Planner McLaughlin will be bringing urgent items through the Mayor for the Commission's review. Recommendations for the Zoning Code will be brought to the Commission at a later date.

Shade Meeting Requested

City Attorney Vose announced there will be a series of meetings with various potential witnesses for the Federal Court case. Attorneys with the City's insurance company will be involved. City Attorney Vose requested a Shade Meeting for receiving advice with regards to the issue involving the Federal Court case - with the date and time to be announced at a later date.

Commissioner Carter announced she would be unable to attend the May 12, 2016 Regular Commission Meeting.

**Adjournment**

**The meeting was adjourned at 7:57 p.m. on motion made by Commissioner Chuck Webb, and seconded by Vice-Chair Nancy Yetter.**

  
Diana L. Percycoe, CMC, City Clerk

Minutes approved: April 28, 2016