



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION REGULAR MEETING DECEMBER 17, 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 Copeland 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, Commissioner Chuck Webb, Chair Doug Copeland, and Commissioner Carol Carter.

**Also present:** City Clerk Diane Percycoe, City Attorney Becky Vose, City Planner Alan 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

#### Parking Tickets and Code Enforcement

*Lori Higgins*, Magnolia Avenue, presented a picture of her late Mother Linda Reeves voting at Roser Church. Ms. Higgins had addressed the Commission at a previous meeting relating to parking tickets that were issued at her residence.

Ms. Higgins stated she felt the way she was treated at City Hall she was horrible. After addressing the Commission at a previous meeting, Ms. Higgins noted not one of the Commissioners offered their condolences for the passing of her Mother. In her opinion, she felt there was a lack of sympathy.

Ms. Higgins did not feel Ms. Gibbs was qualified as a Code Enforcement Officer. She stated that six citizens have written complaints about Code Enforcement Officer Gibbs relating to parking tickets, and she was trying to reach out to the hospice nurses. Though she did not want the money back she had paid for the tickets, she had hoped after voting for each of the Commissioners, she would have received some sympathy from them.

Ms. Higgins informed she created a website regarding Anna Maria parking tickets – which she said may cause some commotion. She will be sharing the website with Mayor Murphy. She further stated she will be reminding the voters of her situation during elections next November.

*Sgt. Davis* responded to Ms. Higgin's complaint and expressed his condolences for the loss of her Mother. Sgt. Davis informed Ms. Gibbs had only written one of the citations - and it was voided. The ones Ms. Higgin's received were written from the Sheriff's Department and not Code Enforcement.

*Ms. Higgins* stated Ms. Gibbs had "yelled and screamed at her."

#### Crime Prevention Tips

*Deputy Stewart* addressed the Commission to present the first Crime Prevention Tip. Noting he arrives in Anna Maria for his shift at 5:30 a.m., when he drives around he will find open garages, fishing poles on boats, etc. He also cautioned about leaving and hiding packages in vehicles this time of year. Deputy Stewart further cautioned against leaving new merchandise boxes outside by the trash – giving info for what is in the home. He recommended the boxes be broken down and placed in the trash.

A common item being stolen this year in other communities were the new laser light Christmas decorations. Deputy Stewart recommended all items be labeled with the property owner's name, in the event of something being stolen. He reinforced the "see something / say something" motto.

**2. Introduction of Assistant Public Works Director Dean Jones**

*Mayor Murphy* introduced Dean Jones as the City's new Assistant Public Works Director. Mr. Jones is experienced in landscaping and engineering. He will report to Public Works Director McKay and to Mayor Murphy.

*Dean Jones* introduced his wife Lori.

**3. Request appeal from Applicant Shawn Kaleta, for Staff to issue Building Permit for Single-family Home at 205 Elm Avenue – Planner Garrett**

*Planner Garrett* informed he received a request for the City to issue a Building Permit for a single-family home. He informed there is a provision in the zoning code that any appeals of the Building Official's decision is to be heard by the Planning & Zoning Board. The request did go before the P&Z at their regular scheduled meeting. The P&Z did not recommend the permit being issued. He noted the permit is for a five-bedroom home – and does not comply with the current moratorium.

Due to being quasi-judicial, City Clerk Percycoe administered the oath to all persons wishing to speak.

*Attorney Aaron Thomas*, Najmy, Thompson Attorneys, addressed the Commission representing Shawn Kaleta. Attorney Thomas informed the Commission had been provided copies of the permit and tracking sheet, and the building plans for review. He informed Attorney Randy Smith had made the initial presentation before the P&Z Board on November 10, when the request was denied. Attorney Thomas said he was there to answer any questions.

*Commissioner Woodland* stated he had reviewed the packet material. However, there were no City comments as part of the materials.

*Planner Garrett* explained the City is not the applicant and had not provided the building plans. It's the applicant's responsibility to provide what information they wished to provide. The P&Z had denied the request due to there not being enough information from the presentation to override the Building Official's decision. He said he could not speak to the revisions due to not being the one reviewing the plans at that time.

*City Attorney Vose* informed she had attended the P&Z Hearing. Only Mr. Kaleta's Attorney spoke at the Hearing, and the applicant did not have provide any sworn testimony. She stated the appeal is the result of ongoing litigation. One of the City's defense to the lawsuit is the applicant had not appealed the denial of the permit – just filed suit - which she said is not proper. As a result, the lawsuit has been put on hold for a chance to do the appeal. If the appeal is denied by the City, it will revert to the lawsuit.

City Attorney Vose advised that without sworn testimony or a court reporter for written record, there is no basis for overturning the Building Official's decision. She stated the Appellant and complainant has the burden of proof going forward. City Attorney Vose informed the property was transferred from AMI Breeze to a different corporate entity. She feels the case lacks standing which will be addressed back in court. She said it appears AMI Breeze was requested to make changes as part of the application, revision to the plans, and provide more engineering information. There was no denial of the Building Permit by the City – it was just not issued. The Applicant never provided the City with the additional information requested of the Building Official for issuing the permit. As a result, the moratorium then kicked in – causing the permit to be placed on hold.

It was noted there were a number of applications submitted by the Applicant for different addresses all at the same time. Each permit was considered separately. City Attorney Vose felt Attorney Najmy's office was only going through the exercise that evening with the Commission to exhaust the required administrative remedies.

*Commissioner Webb* questioned if the City had any provisions in the Building Code for an application to be transferred from one applicant to another.

*Mayor Murphy* stated a different owner would require a different application. Also, *City Attorney Vose* pointed out even if there was a provision, there was no request to transfer it into another name.

*City Attorney Vose* recommended denial of the request.

**Public Comment** – None.

**Motion:** Move that request for appeal from Applicant Shawn Kaleta for staff to issue a Building Permit for a Single-family home at 205 Elm Avenue be denied.

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

**Vote:** Motion passed (summary: Yes = 4, No = 1).

**Yes:** Commissioner Carol Carter, Commissioner Chuck Webb, Chair Doug Copeland, and Vice-Chair Nancy Yetter.

**No:** Commissioner Dale Woodland.

**4. Bedroom size and ratio – Planner Garrett**

*Planner Garrett* reminded he had been asked to come back to the Commission with random bedroom sizes. Review followed with Planner Garrett noting it was not uncommon to see 170 to 190-sq. ft. bedroom sizes. The least square footage he saw was 115-sq. ft. and greater – with the largest being 272-sq. ft.

*Chair Copeland* asked that two votes be taken – 1) whether or not a minimum bedroom size should be adopted, and 2) if a ratio should be established.

**1) Should a minimum bedroom size be adopted**

**Action:** After discussion, there was a consensus of 3 to 2 that a minimum bedroom size should be adopted.

**Yes** – Commissioners Carter, Webb, and Yetter.

**No** - Commissioner Woodland and Chair Copeland

**2) Should a ratio be established**

**Action:** After discussion, there was a consensus of 3 to 2 that a ratio not be established.

**Yes** – Commissioner Woodland and Chair Copeland

**No** - Commissioners Carter, Webb, and Yetter.

Discussion followed as to the minimum size that should be adopted.

*Chair Copeland* informed the small bedrooms in his home are 12 x 12 = 144-sq. ft.

*Commissioner Woodland* stated his bedrooms are 108-sq. ft. and 130-sq. ft.

*Commissioners Yetter* and *Carter* noted they did not have bedrooms smaller than 150-sq. ft.

**Action:** After discussion, Commissioners Carter, Webb, and Yetter were in favor of a 150-sq. ft. minimum. Commissioner Woodland was in favor of 100-sq. ft. Chair Copeland stated he would be okay with a 150-sq. ft. minimum but except for health and safety purposes, he was not interested in designing someone's home. He later stated he would agree to a 120-sq. ft. minimum.

**Public Comment**

*Resident*, 102 Mangrove, said his concern was with building six-plus bedrooms. He felt someone building a four-bedroom home should have minimum bedroom sizes of 150-sq. ft. However, he felt there were a lot of people wanting two and three bedroom homes. Requiring larger bedrooms could cause elevator space to be taken away. He noted if bedrooms are larger, it would make all other rooms smaller.

**5. Discussion: Ordinance #16-810 Comp Plan Consistency – City Attorney Vose**

*City Attorney Vose* informed the Ordinance needs advertised for First Reading since it is part of the Zoning Ordinance. She reminded minor changes had been discussed at the last meeting in order to bring it in compliance with the Comp Plan. She then presented the changes made to the Ordinance.

*Planner Garrett* acknowledged the Ordinance, as written, will be totally consistent with the City's Comprehensive Plan and Land Development Code.

Discussion followed.

**Action: Ordinance 16-810 will be considered by the P&Z Board at their January 12, 2016 meeting followed by the City Commission's consideration for First Reading at their January 14, 2016 Commission Meeting.**

**6. Ordinance #16-811 - First Reading – Parking Amendment – *City Attorney Vose***  
*City Attorney Vose* read the Ordinance title.

*City Attorney Vose* informed Ordinance 16-811 adds the new Sec. 58-69 addressed at the last meeting. She read the language into the record. She explained the perceived problem was someone parking a car in front of someone's home for harassing the property owner.

*Mayor Murphy* was opposed to the Ordinance feeling there will be a serious problem with enforcement. He presented the following requirement examples in order to enforce the Ordinance:

- 1) Chalking tires – in order to measure time they are there.
- 2) Running tags does not tell the vehicle owners relationship to the property owner.
- 3) Biggest worry on the concept is 'abuse'. It could be turned against people.
- 4) *Mayor Murphy* provided an example of a property owner having friend's park in front of their house while both the owner and friends are on a trip. Someone not getting along with their neighbor could report the friend's car. Tickets would be issued every two hours. There would be no way to check the relationship since the owner is gone.

*Mayor Murphy* felt the Ordinance was written as a result of only one situation that had occurred. He only recalled there being that type situation one time, and it was resolved through communications. He asked the Commission to strongly consider the enforcement concerns prior to approving the Ordinance.

*Commissioner Yetter* agreed with *Mayor Murphy*, noting the situation that occurred had been remedied. She, too, did not know of it happening anywhere else in the City - and agreed enforcement would be difficult.

*Commissioner Carter* agreed and suggested the Ordinance consideration be put on the back-burner for the time being. In addition, Code Enforcement will be very busy with the Vacation Rental Ordinance for the next few months.

*Chair Copeland* agreed stating after serving on the P&Z Board for years, he did not recall this situation ever being a problem in the past. He was against passing laws for phantom problems.

*Commissioner Woodland* also felt the Ordinance was unnecessary and unenforceable.

**Action: With Commissioner Webb agreeing, it was the consensus not to proceed with Ordinance 16-811 at this time.**

**7. Authorization to sign contract renewal with Alan Garrett for City Planner Services – *Mayor Murphy***  
*Mayor Murphy* announced the contract renewal increases *Planner Garrett's* time with the City to four days per week. With the considerable backlog, there is a need for additional manpower, and having *Planner Garrett* at the City the additional hours each week would resolve the problem.

**Public Comment - None.**

**Motion: Move to authorize the Mayor to execute the contract renewal with Alan Garrett for City Planner Services.**

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

**Motion carried unanimously.**

**8. Authorization to sign contract with Complus Data Innovations, Inc for Parking Ticket Collection – Mayor Murphy**

*Mayor Murphy* explained the contract will automate the parking ticket collection processes - which is currently a labor intensive process. He informed months ago, the City had a 28% non-pay of the parking tickets. The Complus Data Innovations, on the other hand, would have a 94% rate of return on payments. The company also provides services for Bradenton, St. Petersburg, and cities in the New England area.

Mayor Murphy commented in his opinion, there are too many loopholes in the collection of the cash in City Hall. Explanation followed on how the Complus Data Innovations Parking Ticket Collection system works.

**Motion: Move to authorize the Mayor to execute the agreement between the City of Anna Maria and Complus Data Innovations, Inc. for the City's Parking Ticket Collections.**

**Action: Approved. Moved by Commissioner Carol Carter, Seconded by Commissioner Chuck Webb.**

**Motion carried – All Aye.**

**8.1 Donation: City Pier Park**

*Mayor Murphy* informed he had received a \$5,000 donation from Mr. Tucker, the owner of Maple Leaf Farms. Mr. Tucker lives in Anna Maria and likes the idea of the City Pier Park. As a result, he had presented the City with a \$5,000 grant from the Tucker Foundation for enhancing the park.

Mayor Murphy stated he wanted to publicly thank them for the donation.

*Chair Copeland* said the City was grateful for the donation. He added there has also been generous donations provided by others for Gulf Front Park.

**9. Tampa Bay Estuary Grant – Anna Maria City Pier Park – Terms and Conditions – Mayor Murphy**

No action. Item pulled at request of Mayor Murphy.

**10. Response to Manasota League of Cities' 2016 Legislative Priorities to Florida Legislature – Mayor Murphy**

*Mayor Murphy* stated there were good ideas received from the City Commission regarding Home Rule as it relates to Vacation Rentals. He is also working on a plan and wants to formalize how the Tourist Development Council (TDC) dollars are distributed. Under the current plan, tourist tax dollars are collected from Anna Maria that then go to Tallahassee who collects their fee.

In working with the City Attorney, Bradenton Beach, and Holmes Beach, all want to see about the TDC process being changed to allow each City to get a percentage portion of the amount collected. Mayor Murphy stated it was not the use of the funds being questioned. He agreed it should be based on tourist-related activities. Mayor Murphy will be taking the lead on this proposal, which will require the backing of Senator Galvano and Representative Boyd. All Island Cities are in agreement. The proposal will be presented to the Commission for any further tweaking.

Mayor Murphy felt the City is just as capable on making any decision on how the TDC funds are distributed - as would a County Board. He presented the example of the Gulf Front Park and reminded there had been no TDC funding provided for the City Pier area - the biggest attraction for Manatee County. He felt the City would wisely know how to manage the percentage collected. Funds would only be utilized for tourist activities such as maintaining the City Pier, parks, etc.

*Commissioner Webb* stated the Island Cities are ones developing the 'product' of tourism. He agreed the City should be recognized and compensated for its efforts. He noted in the past, there was a law allowing Cities to set up a TDC. However, it was repealed and taken away from the Cities - and the County now has the control.

*Commissioner Carter* also felt TDC funds should be utilized to address traffic congestion on bridges and causeways.

*Chair Copeland* agreed there are congestion problems. He sees no effort from Manatee County to do anything except build more homes – and there is nothing being done for improving infrastructure.

*Commissioner Webb* informed the purpose for impact fees is for improving infrastructure. He reminded the Island can only hold a certain number of vehicles.

*Commissioner Carter* suggested there be an indication when there is no more parking spaces available on the Island.

*Mayor Murphy* stated internet and radar signage at 75<sup>th</sup> and at Cortez can be utilized. Though it may take a year to refine, traffic can be counted by means of the radar signage.

*Commissioner Webb* felt the process of a constitutional amendment to address the home rule issue should be pursued.

**Action: Mayor Murphy will discuss the concept further with the Island Mayors. A Legislative Priority listing will be presented to the Commission in January 2016.**

## 11. Mayor's Comments

### GINNY & JANE E'S FLEA MARKET

*Mayor Murphy* felt the current Ginny & Jane E's Flea Markets were not being held in a good location. He provided the example of jaywalking, vendors dropping things off, and the location being a "cash cow" for parking tickets. Ed Chiles has, however, opened his lot for vendor parking which has allowed for some relief.

Noting the empty lot has been sold where the Flea Market is held, the Flea Market operators have been asked to move. They have approached Mayor Murphy about utilizing the City Pier Park, requesting to rent two lots or as many as all six. Four lots would be utilized for vendor parking and two for the Flea Market.

Mayor Murphy will refer to the City's current Ordinance for rental costs. He noted the property can currently be parked on, but once developed, parking would be a different issue.

*Chair Copeland* suggested Ginny & Jane E's be asked to add a Farmer's Market to their events.

### HONORING MARGARET JENKIN'S BIRTHDAY

*Mayor Murphy* announced December 14 was resident Margaret Jenkins' birthday. All in attendance joined in singing Happy Birthday to Ms. Jenkins.

## 12. Commissioners Comments

### CONSTRUCTION PARKING

*Commissioner Yetter* informed for the last several months, five houses were being built near her home on Park Avenue - resulting in a lot of workmen parking on the right-of-way. She was under the impression parking must be on the construction site itself, however, Code Enforcement informed there was no Ordinance that addresses it - which she felt should be pursued. She noted some workers are even parking on resident's yards. Also, there is mud all over the street from the construction tracks, and often it is difficult to get down the street.

*Sgt. Davis* informed if someone parks on private property, the property owner can have the vehicle towed at the violator's expense.

*Commissioner Carter* noted there is also the same problem on Willow Avenue where there are three major constructions at the same time.

*Commissioner Webb* stated the Commission had a debate a few years ago regarding towing.

*Sgt. Davis* indicated vehicles will not be towed unless they are not getting compliance. Citations can also be issued. He encouraged residents to contact the Sheriff's Department - who will see that the street is cleared.

*Commissioner Yetter* asked that the issue be placed on a future Work Session Agenda.

*Chair Copeland* commented if a construction worker is parking in a homeowner's yard, the vehicle should be towed. If they are parking in the right-of-way, the Sheriff's Department should be contacted.

13. **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.
- Approve Minutes: 11/4/15 Shade Mtg; 11/4/15 Spec Mtg; 11/12/15 Shade Mtg – Iafolla; 11/12/15 Org Mtg/Spec Mtg; 11/19/15 Shade Mtg – Iafolla; 11/19/15 Reg Mtg/WS.
  - Special Event: Small Business Development Expo – Anna Maria Island Chamber – 1/19/16 12Noon – 8p.m.
  - Special Event: The Vintage Flea 1/1/16 – 8 a.m. – 4 p.m.
  - Special Event: The Vintage Flea 2/7/16, rain date 2/14/16; 3/6/16, rain date 3/13/16; 4/3/16, rain date 4/10/16 – 8 a.m. – 4 p.m.

- **Motion:** Move that the Consent Agenda be approved as presented.  
**Action:** Moved by Commissioner Webb, Seconded by Commissioner Woodland.  
**Motion carried – All Aye.**

*City Clerk Percycoe* pointed out item d. for The Vintage Flea should have been pulled from the Consent Agenda.

- **Motion:** Move to revoke the earlier vote to approve the Consent Agenda as presented.  
**Action:** Moved by Commissioner Chuck Webb, Seconded by Commissioner Dale Woodland.  
**Motion carried – All Aye.**
- **Motion:** Move that Consent Agenda items a., b., and c. be approved, and that Consent Agenda item d. is denied.  
**Action:** Approved. Moved by Commissioner Chuck Webb, Seconded by Commissioner Dale Woodland.  
**Motion carried – All Aye.**

14. **City Department Reports and Updates**

- Sheriff's Department
- Building Department
- Public Works Department
- Code Enforcement/City Pier
- City Clerk/Ordinance Update
- Finance Department

**Press Comment – None.**

**Adjournment**

The meeting was adjourned at 7:27 p.m.

  
Diana L. Percycoe, CMC, City Clerk

Minutes approved: 1/28/16