



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION SPECIAL MEETING DECEMBER 10, 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, Finance Director/Deputy Clerk Maggie Martinez, City Attorney Becky Vose, Building Official Jimmy Strickland, and City Planner Alan Garrett.

**Press:** Islander and Sun.

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

#### Shark Fishing – Crab Trap Concerns

*Anthony Manali*, 107 Spring Avenue, stated as a long-time fisherman he wanted to advise the Commission of a situation involving the shark fisherman fishing off the beach. He said some of the fisherman are taking their lines way out and getting around the crab traps.

He explained previously the fisherman were cutting the floats off because they cannot catch sharks when they wrap around the traps since it would cause having to fight the shark and the crab trap at the same time. As a result, he has lost 30 – 40 traps worth over \$200,000 in front of 72<sup>nd</sup> Street in Holmes Beach. Last year Holmes Beach had an Ordinance that bans shark fishing from the beach. He stated Fish and Wildlife were contacted for Holmes Beach who informed there was nothing they could do since they had not witnessed the activity.

This year in front of Magnolia, fisherman are just pulling the traps to the shore and not cutting the floats. He will then have to go get the traps. When crab season is over - May 15 to October 5 - there are no traps - thus causing no concern. However, from October through May, there are always traps there and the fisherman feel they have the authority with the crab traps.

Mr. Manali said he did not want to have to call law enforcement and waste their time on the issue. Also, he did not want to have to confront the fisherman. He noted his traps are there between October 1 and February 1.

**Action: Mayor Murphy and staff will review to look as some alternatives to address the issue.**

#### Deputy Leach introduced

*Sgt. Paul Davis* introduced new Deputy Amy Leach. Deputy Leach will be assuming the available position created after the retirement of Gary Sellitto. Deputy Leach will be working the midnight shift.

Sgt. Davis reminded the public if they “see something” to “say something” by calling the Sheriff’s office. He informed there are two types of forced-entry burglaries where security can be strengthened: 1) sliding glass doors, and 2) doors on backs of home that open outward. He presented options for making both more secure.

Sgt. Davis further reminded all locks on bikes, homes, vehicles, etc. should be used at all times.

*Sgt. Davis* informed someone seeing immediate emergencies should call 911. Other calls for Deputies can be directed to 941-708-8899.

2. **Award for AMI Beach Renourishment – *Charlie Hunsicker, Manatee County Natural Resource’s Director***  
*Charlie Hunsicker* offered his appreciation and gratitude by way of an award received of Manatee County, and of the City of Anna Maria. Noting since 2002, the County, City, State of Florida, and Army Corps of Engineers have been partners in building and protecting the beaches of Anna Maria Island.

At a recent conference of renourishment officials for beach projects around the country, Manatee County’s beaches were recognized with an award representing stability and longevity and good wisdom to the economy and approach for protecting property evacuation routes, lives, and habitat for nesting sea turtles and shorebirds. The award serves as the State of Florida’s fourth award since 2002.

Mr. Hunsicker read and presented Mayor Murphy with the plaque that was awarded for the Anna Maria Beach renourishment project, and provided a background since 2002 to provide for the Anna Maria Island residents safety. Since that time the Island has received National representation as one of the top ten beaches in the world.

*Mayor Murphy* thanked Mr. Hunsicker for the plaque stating he saw it as recognition of what Mr. Hunsicker has done for Anna Maria Island and its beaches. He further thanked Mr. Hunsicker for all he’s done, and for his leadership.

3. **Cell Tower Base Art Presentation – *Karen Beach/Mayor Murphy***  
*Karen Beach* addressed the Commission noting no one artist could paint the Cell Tower due to its size. Their goal in painting the tower was to create a mood showing the beauty of Anna Maria. Members of the Committee were then introduced by Ms. Beach and pictures of the proposed art for the Cell Tower base panel was presented. She pointed out the quote as part of the artwork – “Live in the sunshine, swim the sea” and “Drink the wild air.”

*Mayor Murphy* explained the artwork would be printed on a canvas-type material stretching along the base of the first side of the Cell Tower. There is no cost to the City due to it being negotiated with the Cell Tower lease.

**Public Comment** – None.

**Motion:** Move to approve the Artwork for the Cell Tower Base as presented.

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

*Commissioner Yetter* suggested the last panel states “swim in the sea” versus “swim the sea”.

It was agreed to leave as presented by the Committee.

**Motion carried unanimously.**

*Commissioner Webb* asked if the area underneath the Cell Tower would be utilized for storage.

*Mayor Murphy* acknowledged there are currently City vehicles being stored underneath.

**Public Comment**

*Committee member Janet Kingan* noted the final artwork was a local effort.

4. **Bedroom minimum size; bedroom total square foot ratio to lot size – *Planner Garrett/Building Official Strickland***  
*Building Official Strickland* informed there is no definition in the Florida Building Code for bedroom. The definition for bedrooms is referenced in the Anna Maria Vacation Rental Ordinance. The only info he can find relating to bedroom size is the minimum 70-sq. ft. He noted the Florida Building Code would refer to more health-safety-fire and egress issues.

*Planner Garrett* explained the Florida Building Code has a minimum 70-square feet for a bedroom, to include one window of a size in order to exit from it. No closet is required. One definition, however, states it must have access to a bathroom without going through another bedroom.

Planner Garrett pointed out his bachelor's degree was in Architecture where they were taught never to design a bedroom less than 120-sq. ft. (Standard 10x12).

*Chair Copeland* suggested the definition as listed in the Vacation Rental Ordinance be included in the City's Ordinances.

*Planner Garrett* said he is already being asked how large the closet has to be.

Further discussion included:

*Planner Garrett*

- He was not sure what the problem was to be solved, pointing out regardless of the bedroom size, there can be no more than eight occupants. He informed the size of bedrooms being applied for are 10x10, up to 75x10.
- Questioned if a minimum bedroom size is adopted, would it apply to everyone going forward. He pointed out any existing bedrooms smaller than what was adopted would no longer be a bedroom. The Commission agreed those bedrooms would be grandfathered.
- Would be more in favor of establishing the minimum bedroom size vs. percentage.

*Chair Copeland*

- Stated the problem being solved is that addressing bedrooms is one of the items that is to be solved prior to lifting the moratorium.
- Believes it should be left to the homeowner as to how they use their property - and is opposed to establishing a minimum bedroom size.
- Adopting 150-sq. ft. as a minimum bedroom size would drop the ratio.
- Not in favor of percentages.

*Commissioner Webb*

- Noted the controlling FL Statute has not been tested in court. The City may find the restriction on occupants and/or bedrooms cannot be done.
- Having a minimum size for other areas of the house are reasonable.
- Bradenton Beach, Holmes Beach, Longboat Key, and Manatee County's requirements were presented. Bedroom sizes were Bradenton Beach – 125-sq. ft.; Holmes Beach – 150-sq. ft.; and Longboat Key – 250-sq. ft.
- Did not feel the normal resident will build a home having 70% to 80% bedrooms.
- Felt in order to have more bedrooms, a person should have a larger structure and larger property. Setting minimum bedroom sizes would allow further protection in the event of it being challenged. He suggested establishing a percentage, as well as bedroom size.
- Asked that staff provide information on what the size of bedrooms has been that is currently being applied for.
- Addressed wanting percentages established.

*Commissioner Yetter*

- Stated examples of small bedrooms in Anna Maria will amount to over 50% of the entire house.

*Commissioner Carter*

- Would be in favor of the 120-sq. ft. minimum. She later agreed the City should not legislate what was inside a home but would be in favor of the 150-sq. ft. minimum if not addressing the percentages.

*Commissioner Woodland*

- Has no problem with adopting a minimum bedroom size. He is more concerned about the square-foot ratio to lot size. Does not feel it's the Commission's place to tell someone how to design their home.

- Reminded there is an occupancy limit of eight.
- Recommended each Commissioner measure all their bedrooms and bring the information back at the next meeting.
- Would be in favor of establishing a minimum bedroom size of between 110-sq. ft. to 120-sq. ft.

Mayor Murphy

- Does not want to see an eight-bedroom boarding house. He supports adopting a minimum bedroom size.

**Public Comment**

*Michael Coleman*, Pine Avenue, reminded the issue with bedrooms was about having a lot of people in each bedroom for more occupancy. Since solving the occupancy, he questioned why the Commission should be concerned about the size of the bedroom.

**Action: Consensus of the Commission that a minimum bedroom size be adopted. Planner Garrett will review the bedroom size of recent applications and bring the information back to the Commission at the next meeting for further discussion.**

5. **Comprehensive Plan Review/LDR concurrency with Ordinances – Planner Garrett/Building Official Strickland Chair Copeland** informed he had met with Mayor Murphy and Planner Garrett several weeks prior to review the Comprehensive Plan.

*Planner Garrett* acknowledged the entire Comprehensive Plan and all the Elements was reviewed by looking at specific requirements. After review of all elements, ten different Policies had specific requirements. Those requirements were then reviewed to make sure the requirements were met by the Land Development Regulations. As a result, two items need to be addressed.

Referring to Comp Plan Policy 1.3.5, Planner Garrett pointed out “ground level” was left out of the Land Development Regulations - and for true consistency would need to be inserted in Sec. 114-282. c. of the LDR.

Comp Plan Policy 1.4.1 was then referenced with Planner Garrett informing the Land Development Regulations, Sec. 114-134, needs to have the words “by an involuntary action” added to subsections (1) and (2).

He informed all other specific requirements have been met by the Land Development Regulations.

Explanation followed relating to Policy 1.3.4 – Residential/Office/Retail land use.

**Public Comment**

*Jonathan Crane*, 886 North Shore, recommended the same Comprehensive Plan wording for Policy 1.4.1 be adopted in the LDR Sec. 114-134 (1) and (2) vs. adding the words “by an involuntary action.”

*Planner Garrett* informed “by an involuntary action” refers to an “act of God.” He agreed the Policy language should be utilized.

**Action: There was unanimous consensus to direct City Attorney Vose to draft Ordinances to correct the two sections as discussed.**

6. **Authorization to sign contract renewal with Alan Garrett for City Planner Services – Mayor Murphy**  
No action. At the request of Mayor Murphy, this item was removed.
7. **Ordinance 15-801-1 – Final Reading - Noise Ordinance Amendment – City Attorney Vose**  
*City Attorney Vose* read the Ordinance title.

City Attorney Vose presented and read the proposed changes made to Ordinance 15-801-1.

It was noted “certified law enforcement officer” refers only to the Sheriff’s Department and not the Code Enforcement Officer for issuance of any citations. City Attorney Vose informed Mayor Murphy does not want Code Enforcement to address Noise Ordinance issues.

*Commissioner Webb* disagreed stating he was aware of noise violations where the Sheriff’s Department took no action. In his opinion, both the Deputies and Code Enforcement should have the authority to issue citations.

*Mayor Murphy* stated Code Enforcement could have the authority, but for safety purposes, he did not want Code Enforcement to have the responsibility of issuing the citations. He reminded Code Enforcement is already addressing Parking Ticket issues where there have been confrontations. Noise issues are often associated with partying and alcohol, and Code Enforcement is not equip to handle physical force.

*City Attorney Vose* noted with violations, an initial warning must be given. Discussion followed.

**Action: Mayor Murphy will research other communities to see how noise issues are handled.**

*Commissioner Woodland* referred to Sec. 26-92. (3) d. – No noise allowed on Sundays and federal holidays as designated by the U.S. Office of Personnel Management. He felt the federal holidays should be addressed by the Commission at some point. He stated there were a lot of Federal Holidays not observed by the general public.

*Mayor Murphy* informed the only date he had heard a complaint about was not being able to work on Martin Luther King Day.

*Chair Copeland* opened the Public Hearing

**Public Comment**

*Joe Hendricks*, Anna Maria Island Sun reporter, asked for clarification from Commissioner Webb relating to his recommendation on the issuance of noise citations.

*Commissioner Webb* stated the incident does not have to be witnessed by the Code Enforcement Officer. However, the Code Enforcement Officer should have the ability to bring a matter before the Special Magistrate based on someone else’s testimony.

*Hearing no further public comment, Chair Copeland* closed the Public Hearing.

**Motion: Move to adopt Ordinance 15-801-1 with direction to the City Attorney to remove all references to the County Judge of Court.**

**Action: Approved. Moved by Commissioner Chuck Webb, Seconded by Vice-Chair Nancy Yetter. On Roll Call Vote, the motion carried unanimously.**

8. **Ordinance 15-808 – First Reading - Determination of Nonconformity – City Attorney Vose**  
*City Attorney Vose* read the Ordinance title.

**Public Comment – None.**

9. **Ordinance 15-809 – First Reading – Lot Clearing - City Attorney Vose**  
*City Attorney Vose* read the Ordinance title.

*Mayor Murphy* informed there have been several instances where developers have left the property to be overgrown – thus causing a safety issue with rodents, snakes, mosquitoes, etc. As a result, the City will mow the lot and bill for the work, yet often be left unpaid. The proposed Ordinance will allow the City to place a lien on the property upon its sale.

Discussion followed. *Commissioner Webb* felt the distinctions should be clear in the Ordinance.

**Public Comment** – None.

**10. Resolution R15-714 – Vacation Rental Ordinance Fees – *Mayor Murphy***

*Mayor Murphy* stated based upon the recently adopted Vacation Rental Ordinance, Resolution R15-714 sets the required fees. The proposed fees are based on costs only for 600 rentals, and will be readjusted the following year. All inspections will be performed by a Certified Building Inspector.

**Public Comment** – None.

*City Clerk Percycoe* pointed out Section 3 should be amended to read Resolution vs. Ordinance.

*City Attorney Vose* read the Resolution title.

**Motion: Move that Resolution R15-714 be approved with the amendment in Section 3.**

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

**On Roll Call Vote, the motion carried unanimously.**

**11. Overnight Parking – *Commissioner Webb***

*Commissioner Webb* informed Chris Collins, who lives on Willow, approached him relating to a problem he has had with a neighbor. The neighbor had parked in the right-of-way directly in front of the walkway to Mr. Collins' house - though there were other parking spaces close by to park in. For the purpose of harassing Mr. Collins, the car was left there for three months without moving it. For Mr. Collins to address the issue, it would require he hire an attorney and pursue as a civil case.

After addressing the situation with Code Enforcement, Commissioner Webb found the City has no Ordinances addressing how long a vehicle can be parked in the right-of-way. As a result, Commissioner Webb recommended an Ordinance is written stating a vehicle cannot be parked in the right-of-way for over a specific number of hours – with the exception the adjacent property owner can park in the right-of-way in front of their own home, with no limitation.

*Mayor Murphy* noted he and City Attorney Vose would discuss how to enforce the Ordinance when it relates to “family” having the ability to park in front of the home.

*City Attorney Vose* presented the example of the City of Deltona's Ordinance that allows parking in the right-of-way no more than two days out of the seven. She pointed out enforcement could be complaint driven.

Commission discussion followed as to limiting the time to 24 hours.

**Public Comment** – None.

**Action: It was the consensus of the Commission to move forward with having an Ordinance written that would limit the length of time for parking in the right-of-way.**

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

No action. Agenda item withdrawn by Mayor Murphy.

**13. Manasota League of Cities' 2016 Legislative Priorities to Florida Legislature**

*Mayor Murphy* referred to the Resolution submitted by the Manasota League of Cities urging support of specific issues during the 2016 Legislative Session. He noted while none of the priorities are negative, there are no priorities listed that has anything to do with the City of Anna Maria. He noted even the Metropolitan Planning Organization (MPO) does not have any legislative priorities that addresses issues on the Island.

It was Mayor Murphy's opinion there should be a priority for addressing Home Rule and provided examples such as the proposed Election Law changes, and stopping congestion, overdevelopment, and land use. Mayor Murphy noted

the Island has two vehicles he wants to pursue utilizing to drive Legislative priorities for the Island – the Island Transportation Planning Organization (ITPO) and the Barrier Island Election Officials (BIEO). He also felt Legislatures should be addressing the Island communities.

*Commissioner Webb* stated he had no objection to supporting the ManaSota League of Cities' priorities, but did agree with Mayor Murphy. He felt the three Island Cities should address the issue through the BIEO. He suggested at the next Commission meeting the Commission discuss a counter proposal to the ManaSota League's priorities.

**Public Comment** – None.

**Action:** Mayor Murphy will draft a list of what he feels the Legislative priorities should be and will have it available for the Commission's review at the next meeting. Any Commission ideas should be forwarded to his attention.

**14. Discussion: Resolution opposing Senate Bill 300 – Chair Copeland**

*Chair Copeland* informed Senate Bill 300 states if someone has a sealed carried permit, they will be allowed to openly carry their gun. He did not feel that would be compatible with the City of Anna Maria's family-friendly image that the City would want. Also, a majority of the Sheriff's in Florida are opposed to the Bill.

*Commissioner Webb* stated he felt it was actually safer to see when someone is carrying a gun. He also did not know why a person wasn't licensed to carry a gun.

**Public Comment** – None.

**Action:** No action to be taken at this time.

**15. Mayor's Comments**

Radar Sign

*Mayor Murphy* informed a second radar sign has been installed at Mangrove. Once the sign is calibrated it will be ready for use. A third sign will be purchased that can be moved around the City.

Gulf Front Park Cleanup Update

A second cleanup of Gulf Front Park was completed that included trimming of sea grapes.

Passage Key

Mayor Murphy received a call from the Emergency Operations Center (EOC) informing the Army Corps of Engineers had been doing some work off of Anna Maria where they believe to be unexploded ordinances near Passage Key. As a result, they will be exploding the ordinance on the upcoming Tuesday.

**16. Commissioners Comments**

Employee Holiday Party

*Chair Copeland* asked each Commissioners to donate \$100 each for the City employees to go out to dinner for their Employee Holiday Party. Contributions would be on a voluntary basis and should be given to Finance Director Martinez.

Stop Sign on Magnolia and Gulf Drive

*Commissioner Webb* stated because of the stop sign at Magnolia and Gulf Drive, the construction trucks are now cutting down on Magnolia in the mornings – resulting in a constant flow of trucks over 8 tons. From approximately 6:30 a.m. to 8:00 a.m., no one will stop at that stop sign.

*Mayor Murphy* informed he was aware of the problem and believes it's associated with the development of Villa Rosa. As of that morning, he has asked the Sheriff's Department to address the situation. The Sheriff's Department did stop one violator.

There will be a couple of changes made to the signs, along with there being a lot more control at that location. In addition, Code Enforcement will be visiting the Villa Rosa developers informing the City will be strictly enforcing the area.

**Press Comment** – None.

**Adjournment**

The meeting adjourned at 8:17 p.m.

  
Diana L. Percycoe, CMC, City Clerk

Minutes approved: 1/28/16