



City of Anna Maria

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MINUTES CITY COMMISSION REGULAR MEETING OCTOBER 22, 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, Vice-Chair Nancy Yetter, Commissioner Dale Woodland, Chair Chuck Webb, Commissioner Doug Copeland, and Commissioner Carol Carter.

Also present: City Clerk Diane Percycoe, Finance Director Maggie Martinez, City Planner Alan Garrett, City Attorney Becky Vose, and Terri L. Miller, Imperial Court Reporter.

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. Pastor Ed Moss/CrossPointe Fellowship Church

Pastor Ed Moss, 900 North Shore Drive, requested that one of the rooms in the City Hall Building be designated one-hour prior to each Commission meeting for the purpose of prayer. He noted God and his word encourages praying for government and society. In addition, early forefathers prayed prior to their gatherings.

Pastor Moss stated the intention for the gatherings would be to refrain from political agendas, and 1) thank God for his many blessings, 2) asking for wisdom and intervention, 3) ask God to work in all hearts regarding speech and practice, and 4) ask for healing in relationships. He said if the Commission is in agreement with his request, he would then discuss the idea with other Pastors in the community.

Public Comment – None.

3. Resolution #R15-713 – Vacation Rental Fee Schedule – *City Attorney Vose*

City Attorney Vose informed under the Vacation Rental Ordinance, fees are to be set by Resolution. R15-713 sets forth the fee schedule for that purpose. The initial application for a Vacation Rental License is \$750 - with the fee for renewals to begin in 2017 to be determined. Any modification for the Vacation Rental Licenses is proposed at \$75, with the re-inspection fee established at \$225.

Mayor Murphy noted his initial fee recommendation of \$1,000 has been reduced to the \$750 amount. The \$750 amount represents the expenses in order to enforce the Ordinance. The modification of the Vacation Rental License (change of ownership) of \$75 is based on actual costs to make the modifications. The re-inspection fee is based on utilizing a Certified Building Inspector at the rate of \$75 per hour as charged by M.T. Causley. The fees represent the cost for operating the program only. Mayor Murphy clarified the original application includes one inspection.

Mayor Murphy stated the City's actual expenses will be reviewed annually.

Public Comment – None.

Motion: Move that Resolution R15-715 be approved for adoption.

Action: Approved. Moved by Commissioner Dale Woodland, Seconded by Commissioner Carol Carter.

Motion carried – All Aye.

4. Ordinance #15-801 – First Public Hearing – LAR Amendment – City Attorney Vose
Planner Garrett read the Ordinance title.

Planner Garrett explained the minor scrivener's errors that will be made to the Ordinance for Second Reading.

Public Comment

Micheal Coleman, Pine Avenue, noted the City had discussed preserving the ground-level homes in Anna Maria. He felt the proposed Ordinance would be forcing properties to elevate in order to get their 40% LAR. Explanation followed.

Planner Garrett announced the Planning & Zoning Board has held a Public Hearing for Ordinance 15-801 and has forwarded their recommendation for approval. As far as the lot coverage, the proposed Ordinance makes the City's code consistent with the Comprehensive Plan. It also helps to better define how to deal with the Living Area Ratio as habitable space - versus air-conditioned space.

5. Ordinance #15-803 – First Public Hearing – Amending Ordinance 15-793 Temporary Moratorium – City Attorney Vose

Planner Garrett read the Ordinance title.

Planner Garrett confirmed the Planning & Zoning Board heard Ordinance 15-803 during their advertised Public Hearing on October 20, and have forwarded their recommendation for approval.

Commissioner Woodland said except for repealing Ordinance 14-785, he is 100% opposed to the adoption of the Ordinance. In his opinion, all eleven items, as referenced in the proposed Ordinance, have either been resolved or are not relevant to a moratorium.

Commissioner Copeland stated until all the Ordinances are passed to address the eleven issues, it will allow the property owner to opt-out by signing a covenant.

Responding to *Commissioner Woodland's* question, *Planner Garrett* explained an Ordinance must be adopted by Second Reading in order for the Ordinance to be enforced by the City. As LDC Ordinances, two Public Hearings are required.

Commissioner Woodland recommended changing the length of the moratorium from six months to three months.

Commissioner Copeland agreed with *Commissioner Woodland*, feeling shortening the time period would put the pressure on the Commission to adopt Ordinances addressing the purpose for the moratorium. In addition, he felt the Commission Meeting minutes will show that items 4, 5, 6, 9, and 11 were deemed to not be addressed.

Chair Webb reminded the previous three months of the moratorium has been tied up with P&Z review and for properly advertising the Ordinances.

Chair Webb asked *City Attorney Vose* to ensure the eleven items listed in the Ordinance are consistent with the Commission's recommendations.

Public Comment

Micheal Coleman, Pine Avenue, said over the past five years, he had spoken to three Mayor's, all Commission and P&Z members, citizens, property manager's, and people on all sides of the rental issues – and not one has not agreed that it is part of Anna Maria's culture to preserve the ground-level houses. He reminded there are very few vacant lots, and it was important to preserve and encourage people to maintain the ground-level homes. He suggested if having a moratorium on permits, that ground-level houses should be exempted if not

increasing their footprint. Mr. Coleman encouraged the Commission when adopting the various Ordinances to exempt the ground-level cottages.

Mayor Murphy said as a result of the ULI Study, Mr. Jack Brennan will be heading up the Committee for preserving homes. Mr. Brennan will be coming back to each of the Island City Commission's to address ways to solve preserving the homes.

Mr. Coleman stated he applauds Mr. Brennan's committee. However, he felt the Commission should take every opportunity to preserve and exempt the ground-level cottages during the time the committee is doing their research.

Commissioner Copeland felt there was nothing in the proposed Ordinance that would prevent someone from remodeling a ground-level home – and the moratorium did not refer to the issues being addressed by Mr. Coleman.

Mayor Murphy pointed out it is less expensive to remove an existing house and rebuild - than to remodel because of the rules and laws. As a result, that is what Mr. Brennan will be addressing.

6. Ordinance #15-804 – First Public Hearing – Amending Swimming Pool Requirements – City Attorney Vose

Planner Garrett read the Ordinance title.

Planner Garrett announced the P&Z Board reviewed the Ordinance at an advertised Public Hearing and is recommending approval with some modifications. Explanation of the suggested modifications followed.

Commissioner Yetter questioned the purpose for considering pools as impervious.

Chair Webb stated the purpose would be stormwater control, environmental purposes, and lot coverage.

Commissioner Yetter stated the way pools are currently built, they do not overflow during rains. She, therefore, did not see how pools could be considered impervious.

Commissioner Copeland clarified that once a pool reaches the top of the skimmer, the water flows out into the ground. Further explanation followed by *Commissioner Woodland*.

Commissioner Woodland said 2

Chair Webb informed City Engineer Burnett will be addressing the Commission at an upcoming meeting relating to the freshwater lens under the Island and how it needs recharged. She will also be presenting information relating to an Island-wide stormwater system.

Discussion followed relating to the grandfathering-in of the existing pools.

Action: Consensus to accept the modifications recommended by the Planning & Zoning Board.

Public Comment – None.

7. Ordinance #15-805 – First Public Hearing – Amending Land Clearing Permit Requirements – City Attorney Vose

Planner Garrett read the Ordinance title.

Planner Garrett informed the P&Z Board held an advertised Public Hearing and has forwarded their recommendation for approval.

Planner Garrett stated Tree Removal Permits are required, and the Grand Tree Ordinance is enforced. The type of trees being removed must be stated.

Public Comment – None.

8. Ordinance #15-806 – First Public Hearing – Amending Site Plan – City Attorney Vose

Planner Garrett read the Ordinance title.

Planner Garrett informed the P&Z Board held an advertised Public Hearing and has forwarded their recommendation for approval.

Commissioner Copeland questioned if the Ordinance would apply in the event a house was condemned as an unsafe structure. Planner Garrett will research prior to Second Reading.

Public Comment – None.

9. Authorize Mayor to Sign Change Order with Sonitrol – Mayor Murphy

Mayor Murphy explained the Change Order will complete the card-access entry into City Hall – for the break room and conference room. After completion, it will finalize the security of City Hall.

Public Comment – None.

Motion: Move to authorize the Mayor to execute the Change Order with Sonitrol in the amount of \$4,000.

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

Motion carried – All Aye.

10. Set Meeting Dates November/December Holiday Schedules – Mayor Murphy

November Meetings –

November 4, November 12, and November 19, 2015

December Meetings -

December 10 and December 17, 2015

10.1

Request for Shade Meeting for Friday, October 23, 2015 at 3 P.M. – City Attorney Vose

City Attorney Vose requested a Shade Meeting for Commission advice on pending litigation relating to Iafolla v. City. It was agreed a Shade Meeting will be held on Friday, October 23, 2015 at 3:00 p.m.

11. Mayor's Report

Gulf Front Park

Mayor Murphy announced the work is expected to begin on November 1, 2015. The end of Willow and Palmetto has been further cleared with a lot of mother-in-law tongues being removed, along with the Australian Peppers. He recommended the Commission look at the end of Willow to see what all has been completed so far.

The replanting of sea oats will be completed next year. The TDC money should be received later in the fourth quarter.

Bike Route

There is a currently a firm plan for a bike route. Ms. Amy Tripp will be presenting plans at an upcoming meeting. In addition, a tentative agreement has been made with Manatee County to pave portions of Bayfront Park - most likely with 250 sand.

Commissioner Yetter referred to an accident where a lady on a bicycle turned into a truck. She felt the City should encourage the bike rental companies to educate people on how to ride the bikes safely. Also, that the Sheriff's Department enforce the bike rules.

Commissioner Yetter also felt the bicycle rental companies should supply lights on all their bikes.

Commissioner Copeland said he had previously approached Sgt. Davis relating to the enforcement of bike rules. At that time, Sgt. Davis had prepared a list of statutes for inclusion in the bike rental contracts. Commissioner Copeland's biggest concern was when bike-riders are riding opposite the traffic on the wrong side of the road. When doing so and meeting another bike in that lane, it forces one of the riders into the traffic lane. Also, bike-riders do not feel it's necessary to stop at stop signs.

Commissioner Carter pointed out the surrey bicycles are too wide to fit in the current bicycle lanes.

12. City Commissioners Reports

Proposed Resolution for Amending Constitution

Commissioner Copeland stated resident Ruth Rauch approached him a few weeks ago relating to her participation with the movement to amend the Constitution. Explanation followed. He felt the reason he was approached was due to him refusing to accept or spend money during the election process – feeling money is a corrupter of the political process and can influence others.

Ms. Rauch has asked Commissioner Copeland to present a proposed Resolution to the City Commission for their consideration. The Resolution addresses that the City supports the ideas of amending the Constitution establishing people are people, and corporations and money are not. The City of Sarasota has passed the Resolution. Commissioner Copeland agreed to present the Resolution to the Commission, noting he would be in favor of it.

Commissioner Carter informed she had also met with Ms. Rauch.

AMI Home Sweet Home Group

Commissioner Carter announced the Island-wide Home Sweet Home Group met the previous evening - having over 100 in attendance. The group's focus is on how to bring more permanent residents to the Island. Working groups will be formed as a result of the meeting. The meeting focused on connections that can be made with outside organizations, various communications that could be initiated, and utilizing social media to advertise that Anna Maria Island is a great place to live and not just a vacation location.

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.

- a. Approve Minutes: 9/10/15 CC Spec Mtg/Worksession; 9/23/15 Final Budget Mtg; 9/24/15 Amended Reg Mtg; 9/24 Shade Mtg – PAR v. City; 9/24/15 Shade Mtg – Iafolla v. City; 10/14/15 Amended Spec Mtg
- b. Approval of Mayor's Appointment of Jim Conoly to Planning & Zoning Board
- c. Building Permit #15-000460 Roser Memorial Church – Seawall – Waive Fee
- d. Building Permit #15-000493 Island Players – Electrical – Approve Permit and Waive Fee

Motion: Move that the Consent Agenda be approved as presented.

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

Motion carried – All Aye.

14. 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)

Press Comment - None.

Adjournment

The meeting was adjourned at 7:45 p.m.



Diana L. Percycoe, CMC, City Clerk

Minutes approved: 11/19/15