



CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216 Phone (941) 708-6130 Fax (941) 708-6134

MINUTES CITY COMMISSION WORKSESSION AUGUST 13, 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 6:14 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: Finance Director Maggie Martinez, Finance/Deputy Clerk II/Code Enforcement Carmela D. Sacca, City Attorney Becky Vose, Public Works Director George McKay, and Minutes Clerk Stacey Johnston.

WORKSESSION

Worksessions provide the Commission with an opportunity to informally discuss topics of common concern and interest and to exchange ideas with staff. In order to make efficient use of time, public comments and questions generally are not entertained during worksessions. Public Comment is taken at meetings such as Regular Meetings and Special Meetings where action items are officially voted on.

1. West Manatee Fire & Rescue, Fire Marshal – *West Manatee Fire Marshal Jim Davis*

Jim Davis, West Manatee Fire Marshal, informed the minimum water pressure in Anna Maria was 1,000 gallons per minute for new construction.

Mayor Murphy said he had been testing lines near the Post Office area. He noted the chlorine level was low and water had been draining into the street. He then spoke to County Administrator Ed Hunzeker requesting the ability to take the water that was draining and utilize it for watering the public parks. As a result, the County has installed meters at the Gulf Front Park, along with other areas where the City will have access to them. He informed that change should end the flooding in those streets going forward.

2. Vacation Rental Ordinance 15-791 – *City Attorney Vose*

City Attorney Vose explained and reviewed the changes she had made to the Vacation Rental Ordinance since the Commission's last Work Session. Discussion included:

- Definition changed for "Bedroom" and a new definition for "On-site management" was added. She noted the on-site management would include motels unless they have onsite management. It was her understanding one of them does.
- Added definition for "Unresolved Violation" and amended definitions of "Vacation Rental" and "Violation".
- Sec.108-4 Penalties and enforcement. (a) *Transitory Violations*. The section has been amended to state if any Vacation Rental "violation" has violated the Vacation Rental Ordinance, they would be punished at the same fine amounts as all other non-Vacation Rental violators. The fines were higher in the previous Ordinance language.
- Discussion followed relating to whether or not there should be a distinction between Transitory Violations and Continuing Violations. It was noted that violations will only be sent to the Special Master if they were to be challenged by the violator. A due process procedure is needed.

Chair Webb felt there should be some type of judicial determination. If a person pays the fine, they then waive their right to a hearing before the Special Master.

City Attorney Vose recommended there should be a bigger penalty if the violator did not pay the fine.

Commissioner Woodland asked that the Commission be provided an ongoing report of the violations that counts toward the suspension of anyone's licenses beginning in January 2016. He said based on the types of violations, the Commission may feel a violation may be too severe - or should not be a violation.

Action: Discussion continued relating to the number of violations that would constitute suspension of a Vacation Rental License. After discussion, the Commission agreed on six violations prior to suspension of the License.

- *Commissioner Woodland* recommended eliminating Sec. 108-2. Findings of Facts – Subsection (12).
Action: Upon clarification, the Commission agreed to leave in Subsection (12).
- Sec. 108-6. Appeals. – Language amended to state all appeals will go before the Special Magistrate – versus the City Commission.
- Sec. 108-7. Notice. – The Vacation Rental Agent and Vacation Rental Owner will receive an emailed copy of any required notice sent.
- Sec. 108-22. Application for Vacation Rental license. – The Vacation Rental License application will be in accordance with an exhibit to be provided by the Mayor. Explanation followed. It was noted the pressure would be taken off the City Staff so they will not have to turn a license around by January 1. Those persons who have applied within their required timeframe will be allowed to operate without the License - so long as they are in compliance with all Code requirements.
- Sec. 108.22. Application for Vacation Rental license. The proposed Subsection (6) has now been removed from the Ordinance since the R-1 vs. R-3 requirements are both the same.
- Sec. 108-22. Application for Vacation Rental license. (e). A new provision has been included setting forth deadlines for submitting an application. If someone misses the deadline, they will have the ability to apply during the next application cycle - but would not be able to operate as a rental until they have filed an application.

Mayor Murphy will draft a listing of cycle application dates that will be attached as Exhibit "A" to the Vacation Rental License Ordinance.

- Sec. 108-23. Modification of Vacation Rental License – Added subsection (7) requiring 'A change in ownership of the Vacation Rental' serving as a modification that requires a modification to the Vacation Rental License.

Action: Commission discussion followed and various options were mentioned. After discussion, it was agreed that all new owners would be required to obtain a new Vacation Rental License.

Discussion continued as to who would be responsible for curing any outstanding violations on the property – and whether the current violations would also go with the property once under new ownership.

Action: It was agreed the Ordinance language continues to read as proposed.

- *Chair Webb* referred to Sec. 108-26. Initial and Periodic Compliance Inspections of Vacation Rentals. He noted the State does not regulate inspections, and questioned if because of that, it would preempt the City from doing inspections since the State does not exercise its power.

Chair Webb asked Attorney Vose to research his concern.

- Sec. 108-27. Vacation Rental License non-transferable, non-assignable. – *Chair Webb* asked if there will be a statement on the Vacation Rental License application that the applicant must meet all newly adopted amendments to the Vacation Rental License Ordinance.

Commissioner Copeland responded feeling it would not be necessary since their License would be renewed within the next year.

- Sec. 108-40. Designation, application. (b) – Adds language allowing a Vacation Rental Agent to appoint another person to act in his or his stead for fulfilling the requirements of the Ordinance.

It was agreed that the name of the appointee would not need to be filed with the City - and that the burden needs to be on the Vacation Rental Agent to contact the appointee – or provide them a phone having the phone number provided to the City.

- Sec. 108-41. Insurance for Vacation Rental Agent. – Language added stating insurance shall not be required if the Vacation Rental Agent is the same person as the Vacation Rental Owner of a particular Vacation Rental property.
- Sec. 108-43. Duties of Vacation Rental Agent. – *Commissioner Woodland* referred to the requirement of the Vacation Rental Agent conducting an on-site inspection of the Vacation Rental no less than weekly in order to assure compliance with the Code. He asked what the consequences would be if someone did not check on a weekly basis - and how it would be regulated.

City Attorney Vose explained the consequence would be they were in violation of the code and would be cited.

Commissioner Woodland felt the Agents could be encouraged to do weekly inspections, but felt it would be difficult to enforce. *Commissioner Yetter* and *Mayor Murphy* also had enforcement concerns.

Chair Webb disagreed feeling the language should remain in the Ordinance. He does not want to see absentee agents.

- Sec. 108-44. Suspension of Vacation Rental Agent/Agency. (a) The Commission agreed to increase the aggregate total of Unresolved Violations to ten within a continuous 12-month period before losing the ability to act as a Vacation Rental Agent for a period of 24-months.
- Sec. 108-52. Minimum safety and operational requirements. – *City Attorney Vose* to propose an Ordinance for quiet pool and hot tub hours.
- Sec. 108-52. Minimum safety and operational requirements. – Language added to the Ordinance reflecting the new FL Statute requiring fire extinguishers, carbon monoxide detection and notification system, and emergency egress maintenance and lighting.
- Sec. 108-53. Maximum occupancy based on site capacity / limitations / grandfathering. Language added reflecting grandfathered Vacation Rentals and setting forth criteria. Explanation followed by Attorney Vose. She informed if someone has a Vacation Rental where they have been renting it to 24 people, they would be required to prove that had been done on a consistent basis for at least four months out of the 24 months. The language only relates to the number of occupants.
- Sec. 108-54. Parking standards. Sec. 108-54 stated the maximum number of vehicles at any Vacation Rental at one time shall not exceed the number of parking spots designated on the sketch submitted with the Vacation Rental application.

- Sec. 108-55. Solid waste handling and containment. Waste Management will not pick up cans if they are screened. Language requiring that trash storage containers shall be screened with a six-ft. fence with an opening for container removal has been removed from the proposed Ordinance.
- Sec. 108-56. Quiet hours and pool hours. Section has been removed.
- Sec. 108-61 – Prohibition of occupancy by registered sex offenders. The language “via third party information services” has been removed.

It was questioned if the search could be accomplished by the Vacation Rental Agent. In addition, it was agreed the Vacation Rental Agent is required to maintain the documentation for a period of one year that states each Occupant of a Vacation Rental is not a registered sex offender. The original language stated three years, and the Commission felt a one-year period was suffice.

- Sec. 108-64. Exemption for rental agreements entered into on or prior to April 9, 2015. – In response to Commissioner Woodland’s question, City Attorney Vose will revise ‘violation’ in order to refer to violations of the Vacation Rental Ordinance – versus violations in the Code.
- Various additional changes were made to the Vacation Rental License Ordinance that had previously been discussed and agreed upon by the Commission at their last meeting.

Commissioner Yetter questioned if the Agent should be required to check each tenants Driver’s License or Identification to ensure they are who they say they are. She felt doing so would determine if someone was a sex offender. She also asked who would be responsible to bear the liability of a sex offender.

Chair Webb felt the owner or agent would have some liability. He noted a sex offender cannot be within 300-ft. of parks, schools, or daycares for example. He felt checking for sex offenders should be one of the agent’s best management practices.

Next Step

City Attorney Vose will make the further changes to the proposed Ordinance. The P&Z Board will be holding a Public Hearing on Vacation Rental Ordinance 15-791 at their Tuesday, August 18, 2015 meeting.

First Reading and Public Hearing of Ordinance 15-791 will be held by the City Commission on Thursday, August 20 at 6:00 p.m.

Second Reading and Public Hearing is scheduled for Wednesday, September 2 at 6:00 p.m. – immediately following Budget discussions.

2. **Continued discussion on Land Development issues from 7/23/15 including the following subjects:**
 - h. No lot clearing or demolition until building permit issued;**
 - i. Procedure for determination of legal nonconforming use, and conformance of zoning code;**
 - j. Consistency of zoning code to applicable sections of the Comprehensive Plan; and**
 - k. Renovation of non-elevated structures – improvement limit, and time period for restart of improvement limit.**

All items continued to the next meeting,

Adjournment

The meeting was adjourned at 7:51 p.m.

Diana L. Percycoc
 Diana L. Percycoc, CMC, City Clerk

Minutes approved: *August 27 2015*