



CITY OF ANNA MARIA

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MINUTES CITY COMMISSION SPECIAL MEETING/WORKSESSION SEPTEMBER 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 Webb called the meeting to order at 6:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Mayor Dan Murphy, Commissioner Dale Woodland, Chair Chuck Webb, Commissioner Doug Copeland, and Commissioner Carol Carter.

Excused: Vice-Chair Nancy Yetter.

Also present: City Clerk Diane Percycoc.

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.

SPECIAL MEETING

1. **General Public Comment** – None.
2. **Authorization for City Attorney to File Suit to Recover Damages for Damage to City Property located at 209, 211, 213, 215, and 217 Magnolia Avenue – Chair Webb**
Chair Webb announced the Mayor has had some problems with the contractor not following through relating to damages made to the City's stormwater system. He recommended the issue be turned over to City Attorney Vose to evaluate and take the necessary legal action.

Mayor Murphy announced the bond had lapsed and has now be reinstated for legal action to be taken against. He recommended City Attorney Vose be given the authority to file suit for damages should the City fail on the bond. He noted the bond value is \$25,000. Damages are approximately \$16,800.

Public Comment

Attorney Aaron Thomas, Nagmy, Lewis, Thompson Attorneys, representing Beach to Bay Construction, informed his firm has sent a letter to the City requesting additional information and trying to work through the issue. To date, he had not had any response or answer to the letter.

Mayor Murphy informed City Attorney Vose had reviewed the letter referred to by Attorney Thomas.

City Attorney Vose acknowledged she had requested Public Works Director McKay provide additional information.

Motion: Move to authorize the City Attorney to resolve the damages to the stormwater system on Magnolia Drive with the contractor.

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

Motion carried – All Aye.

3. **Resolution R-712 – Adopting Manatee County Local Mitigation Strategy (LMS) – Mayor Murphy**
Mayor Murphy announced Resolution R-712 adopts the Manatee County Local Mitigation Strategy (LMS). Adopting the LMS by reference will also allow the City to take advantage of Federal Funding in the event of a disaster.

Public Comment – None.

Motion: Move that Resolution R-712 be approved for adoption.

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

Motion carried – All Aye.

4. **Historical Society – Building Permit #15-000394 – Replace Side Entry Door – Waive Fees**

Chair Webb pointed out the Historical Society is located in one of the City-owned buildings.

Public Comment – None.

Motion: Move to waive the Building Permit Fees for the Historical Society Building Permit #15-000394 for replacing the Side Entry Door on the Building.

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

Motion carried – All Aye.

5. **CrossPointe Fellowship, Inc. – BP #15-000396 – Replace Sign – Waive Fees**

Public Comment – None.

Motion: Move to Waive the Building Permit Fee for CrossPointe Fellowship, Inc. for Building Permit #15-000396 relating to the replacement of signs.

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

Motion carried – All Aye.

6. **City of Anna Maria – BP #15-000378 – Comfort Station City Pier Park – Waive Fees**

Public Comment – None.

Motion: Move to Waive the Building Permit Fee – BP #15-000378 – for the City Pier Park Comfort Station.

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

Motion carried – All Aye.

Chair Webb closed the Special Meeting at 6:07 p.m.

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.

Chair Webb called the Worksession to order at 6:07 p.m.

7. **Set date for Shade Meeting – Mayor Murphy**

City Attorney Vose requested approval to hold two Shade Meetings on Thursday, September 24, 2015 for discussion of pending litigation relating to the Pine Avenue Restoration and Iafolla cases.

City Attorney Vose provided an update relating to the Wednesday, September 9 Hearing. A brief history of the Iafolla case followed. As a result of the Hearing, City Attorney Vose recommended the City does not make any further Ordinance changes within the next few months.

Motion: Move that two separate Shade Meetings be scheduled for Thursday, September 24, 2015 – first one at 5:00 p.m., and the second Shade Meeting scheduled for 5:30 p.m.

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

Motion carried – All Aye.

8. Amendment of Code sections 50-1 and 50-2, to cancel/suspend building permits and not issue/cancel Certificates of Occupancy when damage to City property is not corrected - when damage is caused by development activities – Chair Webb

Chair Webb informed Code sections 50-1 and 50-2 sets forth regulations for repairing property damaged by contractors. In the event it is not repaired will result in a misdemeanor - or the City could file suit for damages.

Chair Webb recommended amending the Ordinance whereas there shall be no Certificate of Occupancy issued until any damage to the City property has been resolved. If not resolved, the Building Permit would then be revoked. Another option is adding a statement that failure to resolve damages will be subject to action pursuant to the Code Enforcement provisions of the code.

Chair Webb recommended City Attorney Vose be given the authority to look at a potential Ordinance change.

Commissioner Woodland felt other Cities have had to address the same concerns. He recommended looking at options that have worked.

Action: City Attorney Vose to pursue.

9. Cancellation of privilege to obtain permits for habitual violators of City Code and Building Code (contractors/owners) – Chair Webb

Chair Webb stated there are a couple of contractors in Anna Maria that consistently violate their building permits and are being issued Red Tags. Unfortunately, there are no Ordinances in place to address the violations.

Mayor Murphy informed the violations continue to be an issue. There has recently been three Red Tags pulled down by the contractor on one property, and two on another. Red Tags were not even removed by the contractor on two others properties, yet they continued to work. He noted there has also been violations where occupancy is being allowed in a house without a Certificate of Occupancy first being issued.

Mayor Murphy stated the City is beginning to document the contractor's violations with the Department of Business Professional Regulations (DBPR).

Discussion followed relating to needing fees in place for re-inspections.

Commissioner Woodland suggested City Attorney Vose look into a situation that occurred in the past with a builder in Palmetto.

Action: Consensus for City Attorney Vose to research further and make a determination.

10. Gulf Front Park Update – Mayor Murphy

Mayor Murphy announced he had received a letter from the contractor for the Gulf Front Park clearing indicating he had underestimated the amount of work needing to be done. Not having the proper resources, the contractor is unable to complete the job. *Mayor Murphy* noted the contractor had worked for a couple of weeks, however, the City will not be paying him.

The second bidder was Shady Lady. Shady Lady has indicated she is still interested in the job but could not start work until November. Mayor Murphy asked that she resubmit her bid with the hopes the bid comes back at a lower cost than originally submitted.

The sea grapes need to be cut back due to chocking out the sea oats. The sea grapes can be cut back after turtle season ending October 31. Shady Lady will then come in and finish the project prior to December 31. Mayor Murphy noted the TDC money is good for two years, so the City can continue to spend up to \$76,000 on the maintenance, and replanting of the park.

Commissioner Woodland voiced concern that some of the neighbors may be opposed to removing the sea grapes. He reminded he has recommended the sea grapes be cut to grow laterally.

11. City Pier Park Update – *Mayor Murphy*


Mayor Murphy announced the City Pier Park groundbreaking will be held on September 21, at 10:30 a.m. The Anna Maria Island Symphony will perform, and refreshments will be served. The City Pier Park Committee will be involved in the groundbreaking ceremonies.

12. Citizen of the Year Committee – *Mayor Murphy*

Mayor Murphy asked that each Commissioner provide him a name of a citizen to serve on the Citizen of the Year Committee by Wednesday, September 16. Commissioners are encouraged to attend.

Adjournment

The meeting was adjourned at 6:33 p.m.


Diana L. Percycoe, CMC, City Clerk

Minutes approved: 10/22/15