



# CITY OF ANNA MARIA

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## MINUTES CITY COMMISSION SPECIAL MEETING SEPTEMBER 2, 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 Carol Carter, Commissioner Doug Copeland, Chair Chuck Webb, Commissioner Dale Woodland, and Vice-Chair Nancy Yetter.

**Also present:** Finance/Deputy Clerk II/Code Enforcement D. Carmela Sacca, City Attorney Becky Vose, Sgt. Paul Davis, and Minutes Clerk Stacey Johnston.

**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.

### 1. Public Hearing and Second Reading - Ordinance #15-791 - An Ordinance of the City of Anna Maria pertaining to Vacation Rentals – *City Attorney Vose*

*City Attorney Voss* read the Ordinance title. City Attorney Voss reviewed the following changes made to the Ordinance since First Reading:

#### ➤ ARTICLE 1. IN GENERAL

##### Sec. 108-3. Definitions

Under definition of “On-site management” – persons required to be physically present on site for supplying management rental, and/or maintenance services was changed from thirty minutes to “one hour.”

- Definition of “Transitory” - Added a violation of “Anna Maria Noise Ordinance” as part of the definition.
- Definition of “Unresolved Violation” – *City Attorney Vose* informed a person has 30 days to pay for a violation. If the payment is late, it would then change to an “Unresolved Violation.”
- Definition of “Vacation Rental” – Discussion followed relating to the definition referring to any transient public lodging establishment that does not have on-site management in the R-1, R-2 Residential Districts.

*Commissioner Woodland* was opposed to excluding the ROR as part of the definition since there is residential in the ROR. Those structures having specific Site Plan language would be excluded for their parking. He felt it was important the occupancy maximum be followed in the ROR also.

*Chair Webb* agreed, feeling all Vacation Rentals should be treated the same. He noted the ROR abuts Residential, and there will be the same problems in the Commercial and ROR Districts, as there are in the R-1 and R-2 Districts.

**Action:** After discussion, the majority of the Commission agreed to leave the definition as proposed – and exempt the ROR and Commercial. Commissioners Carter, Copeland, and Yetter were in favor of excluding the ROR and Commercial – with Commissioner Woodland and Chair Webb feeling they should be included.

- Definition of “Vacation Rental Agency” – Added “A Vacation Rental Agency shall not be construed to include a national or international on-line only service such as HomeAway, VRBO, or Airbnb.”
- Definition of “Violation” – New definition added and read into the record by *City Attorney Vose*.
- Sec. 108-6. Appeals.  
Allowing the Mayor to also base his decision on “or finding of no good cause shown, as applicable”.
- Sec. 108-7. Notice. – If required documents are not filed with the City as required by the Ordinance, the mailing address listed with the Manatee County Property Appraiser shall be used. If no email is provided to the City, notices will be sent to the owner’s mailing address.

For those choosing the “Opt-out” provision, the City will attempt to notify the Vacation Rental owner by phone - and attempt to take care of the problem. They will not be required to respond to the site.

- ARTICLE 2. VACATION RENTAL LICENSE

- Sec. 108-21. License required.

Added language stating an existing Vacation Rental may be submitted after the date set forth in “Exhibit A” attached to the Ordinance. The City will begin accepting the first cycle of applications on October 5, 2015 as set forth in Exhibit “A”, with a deadline of December 15, 2015.

- Sec. 108-22. Application for Vacation Rental license.

Subsection (a) - Sets forth that any application, renewal, or modification of a Vacation Rental License shall be submitted on an application form promulgated by the City. License fees will be established by Resolution.

Subsection (e) – Added language - in the event of an application not being submitted prior to the deadline – “unless good cause is shown, as reasonably determined by the Mayor, for a later filed application.”

- Sec. 108-26. Initial and Periodic Compliance Inspections of Vacation Rentals.

Subsection (c) – Added - The City may inspect a Vacation Rental at any time upon reasonable notice to the Vacation Rental Agent “pursuant to a validly issued administrative warrant.”

Subsection (d) – If, after two attempts, the City’s inspector is unable to make an inspection as a result of an action or inaction of the Vacation Rental Agent, owner, or occupant, the City inspector shall provide notice of failure of inspection to both the Vacation Rental Agent “and Vacation Rental Owner” at their addresses shown on the License or application.

- Sec. 108-27. Vacation Rental License non-transferable, non-assignable.

Added “A transfer of a Vacation Rental License does not affect the status of the Vacation Rental with regard to the number of Violations or Unresolved Violations.”

- ARTICLE 3. VACATION RENTAL AGENT

- Sec. 108-40. Designation, application.

Subsection (e) – Added language that allows a Vacation Rental Owner to opt-out of the requirement to designate a Vacation Rental Agent. However, the owner must be present when asked, and provide on-site inspections once per week.

- Sec. 108-41. Insurance for Vacation Rental Agent.

Subsection (c) – Insurance will not be required by Vacation Rental Owners who choose the opt-out provision.

- Sec. 108-43. Duties of Vacation Rental.

Changes “thirty minutes” to “one hour” for a Vacation Rental Agent or designee to physically be present at the Vacation Rental if called.

➤ Sec.108-44. Suspension of Vacation Rental Agent/Agency.

Subsection (a) – Adds: “If a Vacation Rental Agent has received an aggregate total of fifteen (15) Violations for the Vacation Rentals the Vacation Rental Agent manages, within a continuous twelve (12) month period, the Vacation Rental Agent shall lose the ability to act as a Vacation Rental Agent in the City of Anna Maria for a period of twenty-four (24) months.”

Subsection (b) - Adds: “If Vacation Rental Agents associated with a particular Vacation Rental Agency collectively receive an aggregate total of twenty-five (25) violations for the Vacation Rentals the Vacation Rental Agents associated with the Vacation Rental Agency manage, within a continuous twelve (12) month period, all Vacation Rental Agents associated with that Vacation Rental Agency shall lose their ability to act as Vacation Rental Agents in the City of Anna Maria for a period of twenty-four (24) months.”

➤ Sec. 108-53 – Maximum occupancy based on site capacity / limitation / grandfathering.

Subsection (c) - *Commissioner Woodland* expressed his opposition to having an open-ended grandfather clause. He feels confident the occupancy requirement would stand up in court. Commissioner Woodland believes if challenged, the City would have a strong case based on the National Association of Realtors white paper. He is confident the City would do well in any Bert Harris negotiations.

Commissioner Woodland proposed requiring the Vacation Rental Owner to comply with the occupancy requirements within a five-year timeframe.

Commission discussion followed relating to the time a Vacation Rental Owner, who had been consistently renting to a large amount of people, could recoup their investment, and the potential of Bert Harris cases being filed against the City.

**Action: After discussion, it was agreed that the Ordinance be amended to read as follows:**

**“(c) Notwithstanding the above, a Vacation Rental that was legally operating prior to the effective date of this ordinance, may apply for the status of grandfathered as to occupancy limitation “for a period of five (5) years.”, and may cap its occupancy based upon the following criteria and procedures.**

**The timeframe of five years will be included in the Ordinance as a placeholder. Discussion will be held at an upcoming Work Session for potentially amending the Ordinance and replacing with a different timeframe.**

➤ Sec. 108-58. Vacation Rental advertising.

Added: That the advertising must be consistent with the information contained within the Vacation Rental License - “Once a Vacation Rental License is issued.”

➤ Sec. 108-61. Prohibition of occupancy by registered sex offenders.

Added registered sex offenders to be researched “via the U.S. Department of Justice National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov)), or any successor similar governmental website.”

*City Attorney Vose* informed sex offenders in all states are compiled in the website.

➤ Sec. 10-63. Required posting of Vacation Rental information.

Subsection (a) (1) – When there is no Vacation Rental Agent, the back of the Vacation Rental’s main entrance door posting must include “the name, address and phone number of the Vacation Rental Owner.”

Subsection (a) (4) – “Notice of the provisions of the City of Anna Maria Noise Ordinance” must also be posted.

➤ Sec. 108-64. Exemption for rental agreements entered into on or prior to April 9, 2015.

Pre-existing Agreements, exempt from provisions of the Ordinance, must be submitted to the City for verification no later than “November 30, 2015.”

➤ EXHIBIT "A"

Vacation Rental License applications can be turned in as early as October 5, 2015. Filing deadlines are based on the street location of the Vacation Rental. So the City will not be under pressure to issue every Vacation Rental License by January 1, 2016, the Vacation Rental will be allowed to operate once the application has been submitted – and will continue once the application has been issued.

*Mayor Murphy* confirmed the timeframes, in his opinion, are realistic.

**Public Comment**

*Chair Webb* opened the public comment portion of the Public Hearing.

**Debbie Kilichowski**, Tampa, FL, and owner of 207 Palmetto Avenue, stated the Vacation Rental License caught her off guard. Noting her, her grandparents, and her children all grew up on the Island, Ms. Kilichowski said she was not happy about the proposed changes. She stated she rents to a couple who come to Anna Maria one month every year.

Ms. Kilichowski questioned how the Ordinance will affect her property values going forward. She felt most likely every resident first visited Anna Maria, and later decided to purchase. She said she understood the concerns relating to the multi-level homes, but believed the better way would be to enforce the current codes on the books. In her opinion, she felt the goal was to eliminate the visitors on the Island.

Ms. Kilichowski informed she had talked to a couple of groups and attorneys, and was not sure how she will proceed if the Ordinance is adopted.

**Jill Morris**, 307 Spring Avenue, full-time resident, responded to Ms. Kilichowski's question on property values if the Ordinance passes. In Ms. Morris' opinion, property values will increase.

Ms. Morris stated everyone lives in a community where there are rules and regulations not everyone likes. However, as a community, she believes it's important to do what is best for the overall good of the City. She was, however, sympathetic to the owners who have never had problems renting their properties.

Ms. Morris informed she has renters next door to her home who constantly leave the outside light on that shines into her home. She felt a neighbor could easily be approached about the light, but it's more difficult, week after week, to ask the different renters to turn the light off.

Ms. Morris felt overtime there will be no neighbors since they are losing the sense of community. She expressed her appreciation to the Commission for all their hard work.

**Janet Aubrey**, 604 N Shore Drive, said she stayed in rentals when first coming to Anna Maria. She has owned rentals and several houses since she has lived here, and is currently a renter in Anna Maria.

While she does worry about property values and investments, Ms. Aubrey pointed out for the vast amount of time, Anna Maria has always had renters - and also quiet residential areas. Not until the last few years is when the growth and rentals have come, and this is the first time the City Commission has addressed the issue. She noted State laws also affect the action that can be taken.

Ms. Aubrey thanked the Mayor and City Commission for having to stand up to so much pressure - and hoped the Ordinance will be approved.

**Bill Iseman**, 321 Tarpon Street, feels there has been a sense of loss of community. His block has 28 homes and 18 of them are rentals. Mr. Iseman stated each week another family leaves, and at property will be reverted to a Vacation Rental.

Mr. Iseman commended the City Commission for addressing the problem and listening to the residents.

**Carol Brooks** addressed the Commission and spoke for **Shirley Perez** who was also in attendance. Ms. Perez, Odessa, FL, has owned the rental property at 739 N. Shore for 42 years. Ms. Brooks read a prepared statement on Ms. Perez's behalf that addressed the freedoms and regulations she felt everyone has.

Referring to a comment she read that had been made by a Holmes Beach Commissioner that a large family can stay at a hotel or motel (rather than rental properties), she reminded there are very few hotels or motels for people to go to.

In Ms. Perez's opinion, the proposed \$1,000 Vacation Rental License fee amount was so the City would not have to tax residents a City tax. She said there's the fear that tenants may have a violation, have visitors, an extra car on the property, etc. She asked if those requirements are allowing for a person's freedom. In addition, it will be costing the City \$600,000 for the Code Enforcement to police the rentals for what she said would only be six months.

Ms. Perez's statement referred to Chair Webb's previous comment of "those people make a lot of money." She, however, said she has to have five months of rent before making any profit.

**John Castellano**, 102 Ronelle Drive, Brandon, FL, said he owns two or three properties in Anna Maria. He <sup>1</sup>noted his uncle, Ernie Cagnina, previously owned the Anna Maria IGA store and had served as Mayor for many years.

Mr. Castellano said he rents his homes in the winter and has never had a problem. In his opinion, the proposed Ordinance 'tells him something about the City Commission' and he felt the intention was to get rid of people who come to Anna Maria.

He said they are non-homesteaders and paying 70% of the City's tax base -- and felt they need to be heard.

**Michael Trauner**, Plant City, FL, owns a rental property at 751 N. Shore Drive. Mr. Trauner said when looking at the City Commission, and hearing resident's comments, he felt there's a lack of understanding of what's going on - and why the properties are rented in the first place. He stated it was not their intention to rent their home heavily, that no one invests in a property to only get back a small amount of rent.

Mr. Trauner said the reason peoples properties are being rented is to pay the taxes on the properties. He noted his taxes are \$17,000, and have gone up this past year by 10%. In addition, the insurance for owning a Gulf front property is astronomical. He said he may only rent 40% of the time, and the remaining time the property will stay vacant.

In Mr. Trauner's opinion, he did not feel all the unintended consequences were being seen. He stated the renters are the City's future residents. Also, children who may have inherited their parent's home may someday have to rent them.

Noting the Commission want to see more families move to Anna Maria, Mr. Trauner questioned what family could afford a \$400,000 to \$500,000 residence.

**Rosalind Covine**, Apollo Beach, FL, stated ~~John Castellano~~<sup>2</sup>Ernie Cagnina is her uncle. Mr. ~~Cagnino Castellano~~ had come to Anna Maria after the war to start another life. She said he had given his life to Anna Maria Island. He loves the Island and had passed his love of the Island onto his brothers, sisters, and nieces and nephews who have all moved here. However, to keep the home left to him and his children, and pay the required insurance and taxes, they rent to the same people three or four months each year.

Ms. Covine said they may be forced to sell. She said 'this is not freedom, and is communism.' She felt the way most of resident's found Anna Maria was by visiting and initially renting. She asked the Commission to recognize who was coming to Anna Maria on the weekends -- and felt the 'day people' were the problem.

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<sup>1</sup> Amended by City Commission at 9-24-15 Meeting

<sup>2</sup> Amended 9-24-15

*Hearing no further public comment, Chair Webb closed the public comment portion of the Hearing.*

**Motion: Move that Ordinance 15-791, as amended be approved for Second Reading and adoption.**

**Action: Approved. Moved by Commissioner Carol Carter, Seconded by Commissioner Nancy Yetter.**

**Vote: Motion carried by unanimous roll call vote.**

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

**2. Request Authorization for Mayor to Sign Agreement with Kern Construction for construction of the Comfort Station at City Pier Park – Mayor Murphy**

*Mayor Murphy* informed an RFP was issued for building the new comfort station at the City Pier Park. Three local bids were received. Based on the bid costs, Mayor Murphy proposes completing the City Pier Park work in phases. Also, some items have been removed resulting in a cost estimate of \$87,239 to be awarded to the lowest bidder Kern Construction. He stated once the contract is approved, Kern Construction is available to commence work the week of September 21, 2015. A ground-breaking ceremony will be held.

**Motion: Move to authorize the Mayor to execute the agreement between the City of Anna Maria and Kern Construction, Inc. to provide a Public Facility (Comfort Station) at the City Pier Park. Award based on the bids received in the total amount of \$87,239.63.**

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

**Motion passed unanimously.**

**3. Request Authorization for Mayor to Sign Agreement with C&M Dredging to provide Lake La Vista Entrance Channel Dredging, Fillet Excavation and Beach Sculpting – Mayor Murphy**

*Mayor Murphy* informed the contract is for dredging the mouth of Lake La Vista. He noted WCIND had the City held up while doing an engineering study to come up with a permanent solution for not having to constantly dredge it every year.

As a temporary fix, sand will be put on the beach by the City Pier where it has been lost. The project will not only deepen the mouth of the canal, but will allow for renourishment of the beach.

*Commissioner Copeland* questioned where the City relating to the process for a longer term solution.

*Mayor Murphy* informed he was waiting for WCIND recommendations. His understanding is it will include a jetty going out into Tampa Bay in order to allow for permanent relief. Residents around Lake La Vista will not have an opportunity for dredging at this time, but will on the subsequent WCIND agreement just recently put out for bid. The WCIND project, to be completed this calendar year, will involve trucking out all the spoiled waste.

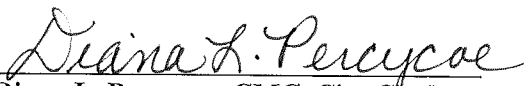
**Motion: Move to authorize the Mayor to execute an Agreement between the City of Anna Maria and C&M Dredging to provide Lake La Vista Entrance Channel Dredging Fillet Excavation and Beach Sculpting - in an estimated total amount of \$87,860.**

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

**Motion passed unanimously.**

**Adjournment**

The meeting was adjourned by Chair Webb at 7:12 p.m.

  
Diana L. Percycoe, CMC, City Clerk

Minutes approved: 9/24/15