



City of Anna Maria

P.O. Box 779, 10005 Gulf Drive Anna Maria, FL 34216-0779, (941) 708-6130, Fax (941) 708-6134, SUNCOM: 516-6740

MINUTES CITY COMMISSION REGULAR MEETING SEPTEMBER 24, 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 6:01 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 D. Carmela Sacca, and City Attorney Becky Vose.

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. **Approval of Service Agreement with Manatee County Sheriff's Office FY 2015-2016**
3. **Approval of Service Agreement with Manatee County Government/Manatee County Sheriff's Office FY 2015-2016 – Mayor Murphy**
Mayor Murphy reminded the Sheriff's agreements had been discussed during the budget processes. He noted he was unsuccessful in negotiating a lower cost for Anna Maria.

Public Comment – None.

Motion: Move to authorize the Mayor to execute a Service Agreement between the City of Anna Maria and the Manatee County Sheriff's Office for FY 2015-2016 and the Service Agreement between the City of Anna Maria and the Manatee County Government/Manatee County Sheriff's Office for FY 2015-2016.

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

Motion carried on a 4 to 1 vote with Vice-Chair Nancy Yetter voting No.

4. **Approve Change of Ownership - Cell Tower from Florida Towers to Tarpon Towers – City Attorney Vose**
Mayor Murphy informed Tarpon Towers is the new owner of the Cell Tower assets originally owned by Florida Towers. The staff will remain the same, only the name will be changed. He met with the Tarpon Towers representatives earlier that week. Work will be completed within the next three to four weeks, with the exception of placing the canvas around the tower. He plans to discuss the canvas with the Commission at a later date.

There are no additional vendors planning to attach to the Cell Tower at this time. Mayor Murphy stated it's very difficult to get into the AT&T organization. He will continue to pursue other options. Discussion followed.

Public Comment – None.

Motion: Move to approve the name change relating to the change of ownerships on the Cell Tower from Florida Towers to Tarpon Towers.

Action: Approved. Moved by Commissioner Carol Carter, Seconded by Vice-Chair Nancy Yetter.

Motion carried – All Aye.

5. First Reading - Ordinance #15-801 – Amending Noise Ordinance – *City Attorney Vose*

City Attorney Vose read the Ordinance title.

City Attorney Vose informed the Ordinance was a result of Commission discussion relating to noise issues within the Vacation Rental Ordinance. An amendment has been made to the existing Noise Ordinance that would allow pools and spa concepts to be utilized anytime during the day or night. However, if using them between 10:00 p.m. and 8:00 a.m., they must be used quietly. If not being used quietly, it would result in a Noise Violation. This change is not specific to only the Vacation Rental Homes.

Public Comment – None.

6. First Reading - Ordinance #15-802 - Establishing the Local Construction Regulation Board – *City Attorney Vose*

City Attorney Vose read the Ordinance title.

City Attorney Vose explained that the Florida Statutes actually provide for and allows Cities to create a Florida Local Construction Regulation Board. If approved, it will provide the City the power to address contractors who would violate the Building Code. The Ordinance will allow the City to inform the contractor whenever they would no longer be allowed to pull any permits in the City.

The Local Construction Regulation Board will consist of three members of the Planning & Zoning Board. All meetings will have to be noticed and open to the public, and a quasi-judicial hearing will be held. Meetings would be held on-call by the Mayor.

City Attorney Vose noted she had been asked at the last meeting to draft an Ordinance giving the City the right to deny any permits, or place some type of restriction on a permit. Explanation followed.

Any appeals can be filed by the Contractor at the Circuit Court level. *Chair Webb* suggested the first line of appeal be made before the City Commission, then to the Circuit Court.

Action: There was consensus for the City Attorney to add that appeals would first be heard by the City Commission.

Vice-Chair Yetter asked if a violation is observed, would it be allowed to place a temporary halt on permitting until the Local Construction Regulation Board heard the case.

City Attorney Vose's responded that based on Florida Statute, they would be unable to proceed as *Vice-Chair Yetter* suggested.

Public Comment – None.

7. Historic Preservation – *Mayor Murphy*

Mayor Murphy stated as a result of the ULI Study, it was suggested a study be conducted as to how to preserve historic properties. He announced that Anna Maria resident Jack Brennan will take this project on, form a group, and will work Island-wide between the three Cities. Both the Holmes Beach and Bradenton Beach Mayors are also in agreement.

8. Mayor's Report

Mayor Murphy reported on actions he took with Beach to Bay Construction. He noted he had taken actions against the contractor and the first meeting was held with the City Attorney and the Attorney representing Mr. Kaleta of Beach to Bay. The meetings, however, were filled with threats of suing both the City Attorney and Mayor Murphy personally, and he felt ended up counterproductive. Things have settled down since that time.

A lengthy productive meeting was held earlier that day with Mayor Murphy, City Attorney Vose, Mr. Kaleta, three or four other Attorneys, and some of Mr. Kaleta's staff. There were no threats made, and issues and details were reviewed item by item relating to the Mayor's concerns. Mayor Murphy felt they have now began to come to grips with a list of concerns - and the review of the permits will continue. Mr. Kaleta has indicated he wants to comply with the City's Ordinances and codes.

9. City Commissioners Reports.Moratorium Clarification

Commissioner Copeland noted there were 11 issues on the moratorium, and four would require Ordinance revisions. It was his understanding the Ordinance concerning the LAR had been reviewed by the Planning & Zoning Board. He questioned the status of the other Ordinances as far as lifting the moratoriums.

City Attorney Vose stated City Planner Garrett will be scheduling an October Planning & Zoning Board meeting for the Ordinance reviews.

Commissioner Copeland noted there are currently two moratoriums in place. He asked about the first one related to the Vacation Rental Ordinance.

City Attorney Vose explained the second one will be amended to add the waiver/deed restriction provision. A complete package, to include ending the first moratorium, could most likely be forwarded to P&Z for their review. Timeframes relating to the first and second readings of the Ordinances was discussed. She estimated the First Reading to be scheduled for the Commission's first meeting in December.

10. 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: 8/27/15 CC Reg Mtg/Worksession; 9/2/15 Spec Mtg; 9/9/15 Tentative Millage/Tentative Budget 2015/2016**
- b. **Mayor Appointment of 2015 Election Canvassing Board: Sherry Oehler, George McKay and Diana Percycoe**
- c. **Proclamation: Farm – City Week – November 12-20, 2015. Martha Ann Glenn, Production Manager of Manatee County. Women in Agriculture in Manatee County**
- d. **Building Permit #15-000414 - City Pier Park – Silt Fence Comfort Station – Waive Fee**
- e. **Building Permit #15-000441 - Anna Maria Island Community Center – Waive Fee**
- f. **Special Event: Alexis Hiligh and Will Williams Wedding – October 17, 2015 – 4:30 pm – 8:00 pm Pending ownership of property for use of the property, with 2 ½ hours to set up and break down.**
- g. **Special Event: Vintage Flea – Ginny & Jane E's – November 1, 2015 – 8:00 am – 4:00 pm**
- h. **Special Event: Riegel Wedding – November 11, 2015 – 3:00 pm – 11:00 pm –**
- i. **Special Event: Art Walk – Arts Hop Weekend – November 13, 2015 – 5:00 pm – 8:00 pm – Waive Fee**

-*Mayor Murphy* asked to pull Consent Agenda item c. for presentation of the Farm – City Week Proclamation.

-*Commissioner Copeland* asked that Consent Agenda items f. and h. be pulled from the Consent Agenda.

-*Commissioner Woodland* asked to pull the September 2, 2015 Meeting Minutes – Item a.

c. Proclamation: Farm – City Week – November 12-20, 2015.

Mayor Murphy read the Proclamation designating November 12 – 20, 2015 as Farm-City Week. He presented the proclamation to Ms. Martha Flynn.

Martha Flynn, Manatee County, thanked Mayor Murphy stating Farm – City Week is their way of celebrating agriculture in Manatee County, and educating the urban population about the importance of agriculture economically and historically. This year's concentration relates to 'Women in Agriculture, and their contributions.'

A listing of the events taking place during Farm – City Week followed.

**f. Special Event: Alexis Hiligh and Will Williams Wedding – October 17, 2015 – 4:30 pm – 8:00 pm
Pending ownership of property for use of the property, with 2 ½ hours to set up and break down.**

Mayor Murphy recommended approval pending receipt of an affidavit from the owner of the property.

After discussion, it was agreed for approval of a wedding only for a maximum time-period of 2-1/2 hours, no reception with alcohol, a sketch showing an accurate location of the event, and an affidavit is still required. The 2-1/2 hour time-period also includes the set up and break down.

Mayor Murphy indicated Code Enforcement will be asked to monitor the event.

h. Special Event: Riegel Wedding – November 11, 2015 – 3:00 pm – 11:00 pm.

Mayor Murphy recommended withdrawing this item and requesting an affidavit from the property owner, along with other requirements as part of the Special Event Permit.

Commissioner Copeland noted alcohol and a tent had been checked on the application. However, in Public Works Director McKay's recommendation, tents require Fire Department approval.

Commissioner Copeland noted both items f. and h. are large events extending for a long period of time. He asked what the City's policy was as far as duration and number of people.

Chair Webb felt the two requests were the first wedding events of that size to be approved by the Commission. He noted in both cases, the applicants are not from Anna Maria, and do not own property in Anna Maria. In the past, the City has informed property owners renting their homes for weddings that they are holding a commercial activity - and it was not allowed under the code.

Chair Webb pointed out with both of the properties, the property extends down to the mean-high waterline. As a result, the weddings would be held on private property. The code, however, requires they must have an affidavit from the property owner appointing the person holding the wedding to serve as the agent. There are no standards for weddings on private property set out in the City's codes. As a result, Chair Webb recommended standards be placed into the City's Ordinance addressing weddings held on private property. Details followed relating to the two applications, and differences between commercial versus private weddings.

Commissioner Copeland agreed, voicing concern about opening up the beaches to weddings that continue for a long duration. It appears both applications will also be holding their reception on the beach – one to include alcohol and a tent.

Discussion followed.

Chair Webb researched the owner of 789 North Shore (where event will be held). The property recently sold and was indicated as a vacation rental property.

Mayor Murphy will provide the same information to the applicants for the Riegel Wedding as agreed upon for the Alexis Hiligh and Will Williams wedding.

Minutes – September 2, 2015 Special Meeting.

Commissioner Woodland noted the correct owner of the former IGA, and individual serving as Anna Maria Mayor, was Ernie Cagnino, and should be corrected in two locations on page 5 of the September 2, 2015 Special Meeting minutes.

- **Motion:** Move that Consent Agenda item a. - 8/27/15 CC Reg Mtg/Worksession minutes and the 9/9/15 Tentative Millage/Tentative Budget 2015/2016 Hearing minutes be approved as written, and that the 9/2/15 Spec Mtg Minutes be approved as amended.

Action: Approved. Moved by Commissioner Doug Copeland, Seconded by Vice-Chair Nancy Yetter.

Motion carried – All Aye.

- **Motion:** Move that Consent agenda items b., c., d., e., f., g., h., and i., be approved.

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

Motion carried – All Aye.

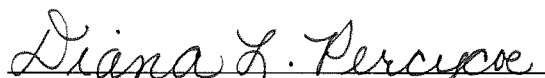
i. REPORTS AND UPDATES:

- 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 6:49 p.m.


Diana L. Percycoc, CMC, City Clerk

Minutes approved: 10/22/15