



CITY OF ANNA MARIA

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

AGENDA FEBRUARY 23, 2022 AT 2:00 P.M. CITY COMMISSION REGULAR MEETING

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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

PLEDGE TO THE FLAG

ROLL CALL

REGULAR MEETING

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
2. Ordinance 22-898 Sexual Offenders and Sexual Predators – (Second Reading) – Vose
3. Ordinance 22-899 Off-Street Parking for Businesses – (Second Reading) – Vose
4. Mote Marine Update – Mayor
5. Nutrient Removal/Stormwater/ARP Funding – Engineer
6. Reimaging Pine Avenue Update – Mayor
7. Legislative Update - Moriarty
8. Mayor's Comments
9. Commissioners Comments
10. City Attorney Comments
11. Staff Comments

12. **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. Regular/Special City Commission Meeting Minutes 1/27/2022 and 2/10/2022
 - b. Special Event – AMI Community Center - St. Patrick's Day Parade – Sunday, March 13, 2022 from 4:00 p.m. to 6:00 p.m.

Press Comment

Adjournment



ORDINANCE NO. 22-898

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, CREATING A NEW CHAPTER 44, “SEXUAL OFFENDERS AND SEXUAL PREDATORS” OF THE CODE OF ORDINANCES OF THE CITY OF ANNA MARIA; PROVIDING FINDINGS, INTENT, AND DEFINITIONS; PROVIDING FOR PROHIBITED RESIDENCES OF SEXUAL OFFENDERS AND SEXUAL PREDATORS AND PROVIDING EXCEPTIONS; PROVIDING FOR RESTRICTION OF CERTAIN ACTIVITIES OF SEXUAL OFFENDERS AND SEXUAL PREDATORS AND PROVIDING EXCEPTIONS; PROVIDING FOR MEASUREMENTS OF DISTANCES; PROVIDING FOR REQUIRED DECLARATION OF STATUS AS A SEXUAL OFFENDER OR SEXUAL PREDATOR; PROVIDING FOR THE POSTING ON WEBSITE OF MAP SHOWING SCHOOLS, DAYCARE CENTERS, BEACHES, PARKS, TROLLEY STOPS, AND PLAYGROUNDS; PROVIDING FOR PROHIBITION ON RENTALS AND LEASEHOLDS; PROVIDING PENALTIES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION. A new Chapter 44, entitled “Sexual Offenders and Sexual Predators” of the Code of Ordinances of the City of Anna Maria is hereby enacted to read as follows:

Chapter 44 - SEXUAL OFFENDERS AND SEXUAL PREDATORS

Sec. 44-1. Findings, intent and definitions.

- (a) Sexual offenders and sexual predators present a severe threat to the public safety of the City of Anna Maria. Sexual offenders and sexual predators are highly likely to repeat their offenses. This makes the threat to the public in general, and children in particular posed by sexual offenders and sexual predators extremely critical.
 - (b) The City of Anna Maria is a tourist mecca with hundreds of children at any one time present on the beaches, in parks, riding the trolley or waiting at trolley stops, in playgrounds, and in schools and day care facilities.
 - (c) The economy of the City of Anna Maria is primarily dependent on tourism, and it would be economically devastating for the City (to say nothing of the devastation to the victim and his or her family), if there were to be an incident of child molestation by a sexual offender or
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sexual predator in the City of Anna Maria. Such an incident could have incalculable negative effects upon the businesses, economy and property values of the City of Anna Maria for years to come.

- (d) It is the intent of this article to serve the City of Anna Maria's compelling interest to promote, protect and improve the health, safety and welfare of the citizens and businesses of, and visitors to, the City of Anna Maria, particularly children, by limiting the opportunity for sexual predators and sexual offenders to be in contact with unsuspecting children in locations that are designed for use by children, are often used by children, or are customary gathering places for children.
- (e) Unless otherwise provided herein, the words and phrases in this ordinance shall be defined as provided in Chapters 775 and 943, Florida Statutes.
- (f) The term "designated location" shall mean any schools, day care centers, beaches, parks, trolley stops, and playgrounds, including but not limited to The Center of Anna Maria Island, specifically described by resolution adopted by the city commission.

Sec. 44.2. Prohibited residences of sexual offenders and sexual predators; Exceptions.

It is prohibited and unlawful for any sexual offender or sexual predator to intentionally lodge or reside in a permanent or temporary residence or location within the city limits of Anna Maria when such residence or location is in or within 150 feet of any designated location regardless of whether the designated location lies within the jurisdictional limits of Anna Maria. It is a rebuttable presumption that, if a sexual predator or sexual offender sleeps or is otherwise present at a residence or location between midnight and 6:00 am the next morning on any given night, that the offender is lodging or residing at such location.

A sexual offender or sexual predator, having a permanent residence within 150 feet of any designated location does not commit a violation of this section if any of the following apply:

- (a) The sexual offender or sexual predator established his/her permanent residence prior to the effective date of this chapter, provided however, that at the end of the then current rental term, or the end of a specifically set forth option period, the sexual offender or sexual predator shall be required to abandon that permanent residence and establish a new permanent residence at a location that is not within 150 feet of any designated location.
- (b) The sexual offender or sexual predator was a minor when committing the offense causing the designation as a sexual predator or sexual offender and was not sentenced as an adult for that offense.
- (c) The sexual offender or sexual predator is under the age of 18.
- (d) The designated location was opened or established after the sexual offender or sexual predator established the permanent residence.

A law enforcement officer shall, prior to issuance of any citation for an offense under this Section 44.2, afford the person an opportunity to explain his or her presence in the location and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above.

**Sec. 44.3. Restriction of certain activities of sexual offenders and sexual predators;
Exceptions.**

No sexual offender or sexual predator shall be present in or at any designated location or remain within the 150 foot buffer zone surrounding any designated location except to:

- (a) Attend a scheduled meeting with an attorney who is recognized as a licensed member of the Bar of the State of Florida;
- (b) Attend a scheduled interview with a social service provider licensed by the State of Florida;
- (c) Comply with a request or court order from the judiciary, a correctional facility or a law enforcement entity;
- (d) Contact criminal justice personnel at a criminal justice facility;
- (e) Attend a church service or function;
- (f) Attend a bona fide educational institution as a registered student;
- (g) Attend to medical or health care needs with a licensed physician, dentist, or other licensed health care provider;
- (h) Visit a family member's home or other location where a family member is present;
- (i) Seek refuge during times of impending natural disasters or acts of terrorism, if such location has been designated by Anna Maria or the State of Florida as a place of refuge;
- (j) Attend a public or governmental meeting;
- (k) Visit a store, restaurant or other commercial establishment for purposes of purchasing food, medications, or other commodities, or inquiring about or purchasing services; or
- (l) Actively traveling to or from a location at which sexual offender or sexual predator intends to carry out any of the above listed activities.

A law enforcement officer shall, prior to issuance of any citation for an offense under this Section 44.3, afford the person an opportunity to explain his or her presence in the area and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above. This section specifically excludes lodging or establishment of a residence, which is regulated by Sec. 44.2, above.

Sec. 44.4. Measurement of distance.

For purposes of measuring distances to establish a violation of Sec. 44.2 or 44.3 as applicable, distance shall be measured in the following manner:

- (1) For violations based upon a sexual offender or predator establishing a temporary or permanent residence, or for violations where the sexual offender or predator is in a building, measurements of distance shall be taken from the outermost property line of the residence or building to the outermost property line of the designated location.

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- (2) For violations based upon a sexual offender or predator's presence at any location not in a building, measurements of distance shall be taken from the physical location of the sexual offender or predator to the outermost property line of the designated location.

Sec. 44.5. Required declaration of status as a sexual offender or sexual predator.

A sexual offender or sexual predator attending any school event or function, day care event or function, or other event or function where more than ten (10) children are present, regardless of the location in the City of Anna Maria, must declare his or her status as a sexual offender or sexual predator with the person in charge of such event or function immediately upon entering the location of the school, day care, or other event or function.

Sec. 44.6. Posting of Map on city website showing designated locations.

The city will endeavor to keep a current map showing the locations of all designated locations in the City of Anna Maria, and showing the location of the 150 foot buffer surrounding such designated locations on its website. Failure of the city to post such a map on its website shall not be a defense to a claimed violation of this chapter, such map being posted only as a convenience.

Sec. 44.7. Prohibition on rentals and leaseholds.

It is unlawful for a property owner to knowingly let or rent any place, structure, or part thereof, to a sexual offender or sexual predator, with the knowledge that it will be used as a permanent or temporary residence or place of work, if such place, structure, or part thereof, is located within 150 feet of any designated location. In any prosecution for a violation of this section there shall be the following rebuttable presumptions:

- (1) That the property owner had knowledge that the person letting or renting the premises was a sexual offender or sexual predator, upon proof that the person was registered as same, either in the statewide or local registry; and
- (2) That the place, structure or part thereof would be used as a permanent or temporary residence or place of work.

Sec. 44.8. Penalty

Violation of any provision of this Chapter shall be subject to a civil penalty of a \$250.00 citation for a first violation and a civil penalty of a \$500.00 citation for a second violation and subsequent violations. For violations of Sec. 44.3, if the sexual offender or sexual predator does not leave the designated location or buffer zone within ten (10) minutes after receiving the first citation, second and subsequent citations may be issued every ten (10) minutes until the sexual offender or sexual predator leaves the designated location or buffer zone. If determined appropriate by the city, the city may pursue injunctive relief to address repeated or continuing violations of this chapter.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, or application thereof, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Anna Maria.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this ____ day of _____, 2022.

Carol Carter, Commissioner
Jonathan Crane, Commissioner
Doris Sebring, Commissioner
Mark Short, Commissioner
_____, Commissioner

Carol Carter, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2022

ATTEST:

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only

LeAnne Addy, City Clerk

Gretchen R. H. "Becky" Vose
City Attorney

ORDINANCE NO. 22-899

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING SECTION 90-3, "OFF-STREET PARKING REQUIREMENTS" OF CHAPTER 90, "INTERNAL TRAFFIC CIRCULATION, ACCESS AND STORAGE" OF THE CODE OF THE CITY OF ANNA MARIA, FLORIDA; REQUIRING THAT REQUIRED OFF-STREET PARKING LOCATED OFF-SITE MUST BE MARKED TO BE USED ONLY FOR THE PARTICULAR BUSINESS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA:

SECTION 1: Section 90-3, "Off-street parking requirements" of Chapter 90, "Internal Traffic Circulation, Access and Storage, of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 90-3. Off-street parking requirements.

- (a) *Generally.* Every building, structure or other land use shall be provided with off-street parking facilities for the use of occupants, employees, visitors or patrons as prescribed in this section.
- (b) *Existing buildings.* Existing conforming buildings may be expanded, altered or repaired in conformity with this section, provided required parking spaces are provided and designated.
- (c) *Increase in floor area or capacity.* When an existing building, structure or use is enlarged in floor area or in capacity, it shall be considered a completely new construction project and shall be subject to minimum off-street parking requirements.
- (d) *Location.* Off-street parking facilities required by this section shall be located on the same lot or parcel of land they are intended to serve. When such an arrangement creates undue hardship or is impractical, parking facilities must be located within at least 300 feet of the perimeter of the development. Such location for off-site parking must be approved through the site plan review process, and parking spaces located off-site shall be clearly marked in a manner approved by the city to indicate that they shall only be used as off-site parking for the particular business.
- (e) *Delineation.* Nonresidential parking spaces shall be designated with a parking bumper with the parking bumper not to exceed five inches in height.
- (f) *Parking space dimensions.* Standard parking spaces shall have the following minimum dimensions:
 - (1) Head-in or angled parking spaces shall be a minimum of nine feet wide by 18 feet long.

- (2) Parallel parking spaces shall be 12 feet wide by 25 feet long.
- (3) Handicapped parking spaces shall be 12 feet wide by 20 feet long.
- (g) *Aisles and driveways.* All parking shall provide sufficient unobstructed room for easy ingress and egress. All parking lots in excess of ten parking spaces shall provide a minimum 20 feet of driveway/reservoir space, as measured from the property line, prior to accessing any parking space.
- (h) *Aisle width dimensions.* Aisle widths shall have the following minimum dimensions:
 - (1) One-way aisle width of 12 feet for parallel and 45° angled parking spaces;
 - (2) One-way aisle width of 16 feet for 60° angled parking spaces;
 - (3) One-way aisle width of 24 feet for 90° angled spaces; and
 - (4) Two-way aisle width of 24 feet regardless of parking space angle.
- (i) *Number and design of handicapped spaces.* The number, design and location of marked handicapped parking spaces shall be consistent with the requirements of F.S. §§ 316.1955 and 316.1956, or succeeding provisions, but in no case shall be less than the following:
 - (1) One space for the first 25 parking spaces or fraction thereof.
 - (2) One additional space for each 25 spaces or fraction thereof up to 100 spaces.
 - (3) One additional space for each 100 spaces or fraction thereof up to a total of 1,000 spaces.

All spaces shall be accessible to a curb ramp or curb cut when necessary to allow access to the building, structure or use served, and shall be so located that users are not compelled to wheel behind parked vehicles.

- (j) *Combined uses.* Where a combination of uses is developed, parking shall be provided for each of the uses individually, as prescribed in subsection (k) of this section, unless a reduction is granted by the city commission.
- (k) *Required number of spaces.* When determination of the number of off-street parking spaces required by this section results in a fractional space, another whole space shall be required. The minimum required number of spaces for various uses shall be as follows:
 - (1) *Commercial uses.*

Unit of Measurement	Spaces Required
Each 100 square feet of floor area	0.25
Each seat (restaurant, bar) plus spaces required for employees	0.33
Each employee (restaurant, bar)	0.25
Each boat berthing space available for rent or lease	0.25
Each boat land-storage space available for rent or lease	0.25
Each person regularly employed	0.75
Each sleeping unit (hotel, motel, apartment, etc.)	1.00
Each chair (barbershop, beauty shop, etc.)	0.75

Parking space requirements for each business will be determined by whatever unit of measurement requires the greater number of spaces.

(2) *Public and quasipublic uses.*

- a. Any PSP district facility must provide parking accommodations adequate for visitors, members or participants as may be necessary.
- b. For churches, theaters or other activities in connection with which auditorium facilities are utilized, adequate parking will require one space for every three seats in the auditorium, and such parking facilities must be provided within 300 feet of the building involved.

(3) *Single-family and duplex uses.* All single-family and duplex uses shall make provision for off-street parking for each dwelling unit as follows:

- a. *One bedroom and two bedrooms:* Two spaces.
- b. *Three bedrooms:* Three spaces.
- c. *Over three bedrooms:* One additional space for each two bedrooms or fraction thereof.

One such required parking space for each dwelling unit shall be in a covered garage or carport. Dwelling units complying with chapter 82, existing construction definition are exempt from the requirement of providing one parking space in a garage or carport. Single-family and duplex units having individual driveways may fulfill such requirement by including spaces located in the driveway located on the lot or parcel and not extending in the right-of-way. Parking spaces shall be included in the lot coverage calculations.

(4) *Uses not listed.* For any uses not listed, the parking requirement shall be determined by the city commission after review and recommendation of the planning and zoning board. An applicant proposing to develop an unlisted use, shared parking use or bicycle parking may submit a parking study to the city as justification to support any proposed change in the parking requirement.

(5) *Tandem parking* All single-family dwelling units (including manufactured housing), upper-story residential and two-family dwelling units may provide required parking as tandem spaces. Such tandem spaces shall not extend over the right-of-way, sidewalk or otherwise interfere with pedestrian or vehicular traffic.

- (l) *Surfacing.* Except for single-family and two-family dwellings and related uses, every off-street parking area shall be surfaced with a permeable material such as turf block, washed shell, stone or gravel, or asphaltic or cement pavement or an equivalent improvement, so as to provide a durable and dustless surface compliant with chapter 102. Parking for seasonal uses or uses not active on a daily basis may be exempted from the paving requirements as determined by the city. All off-street parking lots shall be graded and drained in accordance with applicable stormwater management requirements.
- (m) *General design standards.* All off-street parking areas, including all areas for maneuvering, shall be located solely on the subject property, shall not use public rights-of-way, shall have vehicular access to a public street, and shall be designed to provide safe and convenient circulation in accordance with commonly accepted traffic engineering practices.

- (n) *Lighting.* All commercial off-street parking areas open to use by the public shall have a minimum of one horizontal footcandle power of artificial lighting. Lighting, when provided, shall be directed away from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street and shall comply with all other pertinent city ordinances.
- (o) *Nonresidential parking on residentially zoned property.* Residentially zoned property may not be used for nonresidential parking.

SECTION 2. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 3. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance on which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this ____ day of _____, 2022.

Carol Carter, Commissioner
Jonathan Crane, Commissioner
Doris Sebring, Commissioner
Mark Short, Commissioner
Robert Kingan, Commissioner

Carol Carter, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2022

ATTEST:

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only

LeAnne Addy, City Clerk

Gretchen R. H. "Becky" Vose
City Attorney



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CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216
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**MINUTES
JANUARY 27, 2022 AT 6:00 P.M.
CITY COMMISSION REGULAR MEETING**

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CALL TO ORDER

Meeting called to order by Chair Carter at 6:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Dan Murphy, Chair Carol Carter, Commissioner Mark Short, Commissioner Robert Kingan, Commissioner Jonathan Crane, and Commissioner Deanie Sebring.

Others Present: City Clerk/Treasurer LeAnne Addy, Code Enforcement Manager Sandy Olson, Legislative Liaison Amy Moriarty, Building Official David Gilson (Zoom), City Planner Chad Minor (Zoom), City Attorney Becky Vose (Zoom), and Islander newspaper.

REGULAR MEETING

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
2. Steve Stewart Presentation – Mayor
Mayor Murphy calls forward Deputy Steve Stewart and reads proclamation stating that 1/27/22 is Deputy Steve Stewart Day.

Deputy Manning also speaks and presents Deputy Stewart with a picture of Rod n Reel Restaurant. Deputy Stewart thanks everyone.
3. Ordinance 22-896 Chapter 114-343 “Buildable Area” – (Second Reading) – Vose/Minor
City Attorney, Becky Vose read the title of Ordinance 22-896 Chapter 114-343 “Buildable Area.”

Chad Minor, City Planner explains two changes were made and recommended unanimously for approval by the Planning & Zoning Board.

Mayor Murphy stated this will help avoid any adverse environmental impacts within the sand dunes.

Chair Carter asked for Commissioner comments or questions.

Commissioner Short asked if all endangered species’ habitats would be protected, not just marine turtles.

Chad Minor stated they will continue to work with 3rd party consultant to ensure preservation of habitats.

Motion: Approve Ordinance 22-896 Chapter 114-343

Action: Motion by Commissioner Kingan, Seconded by Commissioner Short

On Roll-Call Vote: Motion passed unanimously

4. Citizen of the Year Recognition – Patten/McAllister
Kathy Patten & Marsha McAllister present Citizen of the Year awards to Joan Voyles, nominated by Maureen Dye, and Barbara Murphy, nominated by Nancy Flynn.
5. Re-imagining Pine Avenue Design – Mayor
Mayor Murphy stated that he wanted to address agenda items 5 & 6 together. He also stated that he just received plans for Re-imagining Pine and conceptual plans for Mote Marine, which he forwarded to Commissioners earlier this afternoon. He asked that Commissioners schedule a meeting in the near future, including resources like engineering and traffic, to discuss and decide what to do.

LeAnne Addy will print copies of the two plans and have them available by next week.

6. City Pier Update – Mayor
See item 5.
7. City Pier Plans Status – Mayor
Mayor Murphy stated that plans including sidewalks, crosswalks, and lighting have been received.
8. City Pier Variance – Vose/Minor
City Attorney Becky Vose explained that she does not believe this is required because all required permits had been obtained; however, the proposed tenant, Mote Marine, raised an issue with not having a variance. In an abundance of caution, we are applying for this variance which will require a majority vote.

Commissioner Crane asked if it is necessary to include individual findings.

City Attorney Becky Vose explained that they are included in the packet as Exhibit A. She then stated that the appropriate motion would be to adopt and approve the variance with the findings as set forth in the agenda material.

Commissioner Kingan stated that this variance by no means establishes any precedence for any future developments anywhere else. This is specific to the pier.

City Attorney Becky Vose agreed and added that this variance is at the request of Mote Marine.

Commissioner Crane asked if the variance covered everything in relation to the pier.

Mayor Murphy stated that it covers anything in relation to elevation.

City Attorney Becky Vose confirmed.

Motion: Approve City Pier Variance

Action: Motion by Commissioner Kingan, Seconded by Commissioner Sebring

On Roll-Call Vote: Motion passed unanimously.

9. Red Tide Mitigation ARP Funding – Crane/Mote Marine
Mayor Murphy stated that prior to the Mote presentation he wished to clarify three items. 1. Funding states \$55,000 to environmental issues, with red tide being one. 2. Each Commissioner received the revised proposal from Gulf Shellfish Institute, last night. Since it was not on this agenda, we need to establish another meeting to discuss the new proposal. 3. Each Commissioner received the letter from Mr. Randy Edwards expressing an interest to speak at the next meeting in regard to this issue. Mayor Murphy asked that after the Mote presentation, the Commission vote on if they would like Mr. Edwards to speak.

Commissioner Crane stated that he had been speaking to both Kevin Claridge from Mote and Mr. Edwards and they present different views. He then introduced Mr. Kevin Claridge.

Mr. Kevin Claridge from Mote Marine discussed the presentation on the Florida Red Tide Mitigation and Technology Development Initiative, as outlined in the agenda.

Commissioner Sebring asked if Mote is doing anything with clams and the mitigation of Red Tide.

Chair Carter stated that these mitigations seem to be different than the more natural by-valve techniques.

Commissioner Crane asked about clam excrement encapsulation and tides, to which Mr. Claridge stated that answer was out of his expertise. He then asked for more clarification in regard to the quantity of clams (20,000). Commissioner Crane also stated that Mr. Edwards has great thoughts that he is willing to share.

Commissioner Sebring stated that we had two different environmental projects earmarked, one being Rising Tide/Sea Level Rise, for which she is not in favor. She is not against hearing other proposals. Further, she commented that she read it was 1 million clams, not 20,000.

Mayor Murphy stated that Mr. Edwards will need the new proposal and that he may no longer wish to speak upon review of the new proposal.

Chair Carter stated that this presentation was strictly informational, and they were not presenting a proposal. She asked for consensus of inviting Mr. Edwards, and all agreed.

Commissioner Short asked how the new presentation might impact the timing of addressing the new proposal.

Mayor Murphy stated that they need to look at availability and schedule meetings and/or presentations as needed.

Public Comment: Stephen Hesterberg from Gulf Shellfish Institute stated that they are a non-profit and that they are not asking for compensation. That he is providing oversight as a scientist, and that the proposal will improve the overall quality of the City of Anna Maria.

Commissioner Crane stated that he is concerned they want to use our water ways as a laboratory which seems like a different project than the one partnering with the City of Anna Maria.

Public Comment: Kurt from Bay Shellfish Company, stated that he would be happy to answer any questions in regard to long-term approaches and by-valves.

Chair Carter stated that they never received a formal written proposal before the last meeting and that the one they did receive mentions Holmes Beach. She asked Kurt that he submit a formal written proposal, directed at City of Anna Maria, prior to speaking at any future meetings.

Mayor Murphy suggested a meeting with Commissioner Crane and himself prior to making any further formal presentations at a meeting. He also mentioned that AARP funding rules have changed.

10. Tallahassee Visit – Carter

Chair Carter stated that she and Amy Moriarty visited Tallahassee on January 18-19 and they met with six different representatives and Senator Boyd. She stated that the Lake La Vista Dredging & Pine Ave Re-Imagining Appropriation Bills are moving along nicely. She also stated that they spent time talking with representatives about SB280 & SB620, both being business bills. She then stated that City Attorney Becky Vose would be best to speak about the legalities of these bills.

City Attorney Becky Vose stated that we will have the most interaction/trouble with SB280. She stated that it already has a statute that says if an ordinance is expressly preemptive, then there will be consequences for the city. It will be a big hit to Home Rule and the Business Impact Statements will create a tremendous amount of work for staff. She further stated that if someone challenges an ordinance the city has to suspend the enforcement of the ordinance during the suit which could put power in the hands of people who could be considered to be obstructionists. There are also attorney fees provisions in this statute which creates litigation that otherwise wouldn't happen. She added that she is also concerned with regard to SB280 & SB620 that the Florida League of Cities won't oppose them since most of the horrendous parts have been written out of them.

City Attorney Becky Vose stated that SB620 creates a new cause of action if a business can show a profit loss of 15% or more due to an ordinance that is adopted. It does not apply to zoning; however, it does have some ambiguous parts. She further stated that it has a provision if an electorate makes a charter amendment, these can be attacked. Both statutes will create tremendous work for staff and will probably result in a great deal of money being spent on litigation.

Chair Carter stated that this is not good for Home Rule, and it is upsetting that the Florida League of Cities seem satisfied. She further stated that we have to think about the few small businesses that could come at us with lawsuits that would be allowed under these two bills.

Mayor Murphy stated that bottom line is these still have to go through the House and make it to the Governor's desk. Lobbying is what we need to do, and we are up for the fight.

Chair Carter stated that not much happened with the vacation rental issue.

11. Mayor's Comments

Mayor Murphy asked for consensus on adding three speed tables on South Bay Blvd. He also asked for consensus to ask the county for funding toward the expansion of the footprint of the shade sail. No objections to either.

12. Commissioners Comments - none

13. City Attorney Comments - none

14. Staff Comments

LeAnne Addy asked if 2/24 meeting could be moved to 2/22 or 2/23 in the afternoon. All agreed on 2/23 at 2 p.m.

Sandy Olson made a correction to agenda item 15b – time should be 6 a.m. – 8 a.m.

LeAnne Addy explained JustFOIA – records request software to make the process easier.

15. **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. Regular Meeting Minutes: 12/09/2021 and 1/13/2022
- b. Special Event – Wedding on the Beach - Dinehart Wedding - Tuesday, February 15, 2022 at 6:00 p.m. to 8:00 p.m.
- c. Authorization for Mayor to sign the JustFOIA, Inc. Agreement

Motion: Approve Consent Agenda

Action: Motion by Commissioner Crane, Seconded by Commissioner ?????

On Roll-Call Vote: Motion passed unanimously

Press Comment

None

Adjournment

Meeting adjourned by Chair Carter at 7:46 p.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer





12a2

CITY OF ANNA MARIA

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

MINUTES FEBRUARY 10, 2022 AT 2:00 P.M. CITY COMMISSION REGULAR MEETING

THIS COMMISSION MEETING IS BEING HELD USING OPTIONAL TELECOMMUNICATIONS MEDIA TECHNOLOGY.

Dial in using your phone.

United States: +1 (929) 205-6099

Meeting ID: 853-9200-0280

***OUT OF COURTESY TO OTHERS, PLEASE MUTE YOUR PHONE WHEN NOT SPEAKING*
IF YOU WISH TO MAKE A PUBLIC COMMENT, PRESS *9 ON YOUR PHONE**

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

Meeting called to order by Chair Carter at 2:00 p.m.

PLEDGE TO THE FLAG ROLL CALL

Present: Mayor Dan Murphy, Chair Carol Carter, Commissioner Mark Short, Commissioner Robert Kingan, Commissioner Jonathan Crane, and Commissioner Deanie Sebring.

Others Present: City Clerk/Treasurer LeAnne Addy, Legislative Liaison Amy Moriarty, Public Works Manager Dean Jones, City Planner Chad Minor, Sergeant Getman, City Attorney Becky Vose, George F. Young Engineer Gerry Traverso, AMI Sun, and Islander newspaper.

REGULAR MEETING

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. Ordinance 22-898 Sexual Offenders and Sexual Predators – (First Reading) – Vose
City Attorney Becky Vose read the title of Ordinance 22-898 Sexual Offenders and Sexual Predators.

Commissioner Crane asked a question about Sec. 44.2 and 44.3 that possibly a card should be created with the language an officer should state when allowing the opportunity of explanation.
Mayor Murphy stated that the officer's body camera would be on, and Sergeant Getman confirmed.

Commissioner Short stated that he would like to see The Center of Anna Maria being called out specifically since it isn't a school, but children are often there. City Attorney Becky Vose asked for a consensus; all agreed.

Commissioner Short also brought up a question about Sec. 44.8 that ten (10) minutes to leave may not be long enough to vacate lodging or residence. City Attorney Becky Vose stated that that references Sec. 44.3 not anything to do with where they live. She will make changes for the second reading.

3. Ordinance 22-899 Off-Street Parking for Businesses – (First Reading) – Vose
City Attorney Becky Vose read the title of Ordinance 22-899 Off-Street Parking for Businesses.

Commissioner Crane thinks that we should open this up to businesses like Roser Church and anyone that it may impact.

Mayor Murphy stated that with an agenda being posted and all that the staff does to notify people, he does not feel that we need to send an invitation to all businesses.

Commissioner Short stated that this entire ordinance really needs to be thought through especially when making revisions to Pine Avenue, parking spots on property based on number of bedrooms, surfaced parking, and etc. He doesn't feel like we need to do this now but keep it on the top of the pile for discussion.

4. Resolution R22-776 Vacation Rental Registration Fee – Vose

City Attorney Becky Vose read the title of Resolution R22-776 Vacation Rental Registration Fees.

Mayor Murphy stated that it is a 21% increase from last year. He stated that it is structured based on looking at our capital expenses from last year and going forward it is the labor costs. He stated that there is a bill in the state that may impact the fee. If the legislature passes the bill, it will impact us after July 1, 2022 going forward. He stated that this is not a money generating fee.

Motion: To approve Resolution R22-776 Vacation Rental Registration Fee

Action: Motion by Commissioner Short, seconded by Commissioner Kingan.

On roll call vote the motion passed unanimously.

5. Reimaging Pine Avenue Design – Mayor/Traverso

Mayor Murphy stated that you have been given some plans that have been revised, revised, and revised but this is a big project that is taking place. He would like to issue an RFP to do the sidewalks, lighting, and crosswalks due to the businesses being short of workers and inflation.

SIDEWALKS

Gerry Traverso, Engineer with George F. Young stated that the sidewalk would be permeable pavers, flashing lights in pavement, and crosswalks. He stated that it will be meandering sidewalks as they are today.

Commissioner Kingan asked if there are infiltrations under the pavers.

Mr. Traverso stated that yes there is infiltration under the pavers.

Commissioner Sebring asked if the sidewalk sizes changed.

Mr. Traverso stated that the sidewalk sizes do change.

Mayor Murphy asked if there are any encumbrances to keep us from putting in a 6 ft. sidewalk.

Mr. Traverso stated that we could put 6 ft. sidewalks and still not compromise any additions.

Mayor Murphy asked if there is a consensus to make the sidewalk 6 ft wide where appropriate, could you approve or what direction.

Commissioner Short stated that he is not in favor of 6 ft. sidewalks.

Mayor Murphy asked for a consensus on the sidewalks.

Commissioner Sebring stated that she is concerned about parallel parking on Pine Avenue.

Mayor Murphy stated that he needs to get an RFP out on this as we have been discussing this for a long time.

Commissioner Kingan thinks that we can move forward with the plans, but the sidewalks are on an easement instead of private property. In addition to the sidewalk, whose liability is it to maintain, etc. He would suggest having the City Attorney discuss with the property owners on whose liability it will be.

Chair Carter stated that we should go with 5 ft sidewalks which will leave us room for landscaping and etc.

Commissioner Short asked if the meandering sidewalks have any impacts on the perpendicular parking. He also asked about sealed pavers. He would like to also ask the contractor in regard to other permeable pavers that we can use.

Public comment on sidewalks:

Barbara Murphy who resides on 127 Hammock Dr. feels that if we can put 6 ft. sidewalks where we can, we need to.

Mayor Murphy stated to summarize that he would come back with easements, colors and alternative materials, and width (are we at 5 ft or 6ft or both).

The consensus is that the RFP will include 5 ft and 6 ft size in meandering, colors, alternatives to materials, availability of materials, deadlines, and penalties for delays.

CROSSWALKS

Mr. Traverso discussed the crosswalk areas and the flashing lights.

The Commissioners discussed some issues with the crosswalks; how many and locations.

Consensus by the Commissioners is to approve additional crosswalks with flashers and no four way stops.

Ms. Nancy Gravely stated that she was happy to hear that you are adding a square sidewalk.

LIGHTING

Mr. Traverso discussed the lighting on Pine Avenue.

Mayor Murphy stated that the lights should be down the entire street as we would like to go away from the FPL lights.

Commissioner Sebring asked about lighting near the sidewalk.

Mayor Murphy stated that this decision can wait but he would like a consensus to use solar lights and if done right they can power the lights at the crosswalks.

Commissioner Short stated that these lights have to fit in our fifty feet.

Commissioner Kingan brought up about alternative lighting such as spot lighting, etc.

The consensus of the Commission is to go with solar lights.

6. Paving and Dredging Update – Jones

Public Works Manager Dean Jones stated that we have done some great projects in the last year. He mentioned Lake LaVista Inlet dredging. He mentioned that LeAnne made sure we were within budget. He also stated that we had an aggressive paving budget of \$573,049.75. He stated that we paved at night and had no complaints. He stated that we hope to close this up in February.

7. City Pier Plans Status – Mayor

Mayor Murphy mentioned the title of the article in the Islander Newspaper. He stated that we only had one plan and that was to have dry exhibits. He asked the reporter where he got that information and the reporter stated that he was confused. Mayor Murphy stated that he gave the plans to the structural engineer to review the integrity and that the pier can accommodate these tanks, but they would like an inspection just to make sure. He stated that we will have a written analysis in the near future. He stated after we get that report then we will sit down with Mote and then it will come back to the Commission for a vote.

8. Red Tide Mitigation ARP Funding – Crane/Edwards

Commissioner Crane stated that Mr. Randy Edwards will be speaking regarding red tide.

Dr. Randy Edwards, who is a Marine Biologist, stated that he has over 50 years in marine biology and ecology. He explained his expertise to the Commission. He stated that he has no dog in this fight. He stated that we heard about putting clams in the water and that it will filtrate the water; however, the scientific reality is that they have been misinformed. The main problem we have is the nitrogen loading that continues to increase due to population growth that increases blooms and seaweed. Clams are not the solution to pollution and in some cases, clams can increase nitrogen. There have been no scientific clarifications that clams can reduce red tide. He referenced Mr. Hesterberg's letter to the city that he read and stated that Mr. Hesterberg did not mention if they were in a container. There is no evidence that clams will reduce red tide or nitrogen. He stated that you would need to put in 10 billion clams in the Sarasota Bay.

9. Mayor's Comments

Mayor Murphy stated that he needs to talk to the Commissioners about adding duties to the Construction Board. He would like work being done without a permit, such as landscaping, being taken to the Board; especially, repeat offenders. He is looking for a consensus to give them the additional items.

The Commission gave consensus to add the additional duties to the Construction Board.

Mayor Murphy stated that he would like to add a weather station that monitors temperature, barometric pressure, wind direction, radar, etc. He stated that this could be web accessed. He stated the benefits of this is that it would provide empirical data when having to decide to close and reopen the pier. He stated that the cost is \$4,000 and easy to maintain.

The Commission gave consensus to add a weather station to the City Pier.

Mayor Murphy stated that we are in the process of getting a proposal back to add an expansion to our Shade Sail. That will be coming in soon.

Mayor Murphy stated that we received a building permit application for 105 Elm Ave. More may to come.

Mayor Murphy stated that he saw it in all newspapers that the water taxi was discussed at the Council Government meetings. He told Elliot Falcione that we don't need a water taxi. He stated that if we were to add a water taxi for employees to get to work, he could see it benefiting our city. He wanted to set the record straight that he told them that the Commissioners would need to discuss to make that decision for the city to allow that the water taxi lands at our City Pier.

Mayor Murphy stated that AT&T is going on the cell tower here.

10. Commissioners Comments

Commissioner Crane would like to thank Dr. Edwards for coming.

Commissioner Kingan stated that he thinks it may be beneficial to talk to our own Engineers about red tide.

The consensus of the Commission is to have Mayor Murphy talk to the Engineers about solutions to red tide or to get additional data.

Chair Carter mentioned that there are two bills relating to trees HB1555 and SB518 so maybe we could add to our ordinance.

11. City Attorney Comments

None.

12. Staff Comments

City Clerk/Treasurer LeAnne Addy stated that the next meeting will be held on Wednesday, February 23, 2022 at 2:00 p.m.

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. Special Event – The Vintage Flea at City Pier Park – March 13, 2022 at 8:00 a.m. to 4:00 p.m.
- b. Special Event – Murder Mystery Dinner Theater at The Center – February 18 & 19, 2022 from 6:30 p.m. to 10:30 p.m.
- c. Authorization for Mayor to sign the agreement with Environmental Consulting & Technology, Inc

Motion: To approve consent agenda.

Action: Motion by Commissioner Kingan, seconded by Commissioner Crane.

On roll call vote the motion passed unanimously.

Press Comment

Adjournment

Meeting adjourned by Chair Carter at 4:26 p.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer



EVENT INFORMATION									
Name of Applicant:		Christopher Culhane			Applicant Phone #:		941-778-1908 ext. 216		
Name of Event:		St. Patrick's Day Parade							
Date of Event:		Sunday, March 13, 2022		Time of Event		Start Time: 4:00		AM <input type="checkbox"/>	PM <input checked="" type="checkbox"/>
						End Time: 6:00		AM <input type="checkbox"/>	PM <input checked="" type="checkbox"/>
Description:		Parade starting in Holmes Beach, ending in Anna Maria							
Est. Number of People to attend:									
Activities:		Vendors <input type="checkbox"/>	Food Services <input type="checkbox"/>	Fireworks <input type="checkbox"/>	Signs <input type="checkbox"/>	Balloons/Banners <input type="checkbox"/>	Cookout <input type="checkbox"/>	Tents <input type="checkbox"/>	Parking <input type="checkbox"/>
		Alcohol <input type="checkbox"/>			Music/Amplification <input type="checkbox"/>				Use of City's electrical hookup, if available <input type="checkbox"/>
DEPARTMENT APPROVALS									
Public Works			YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	West Manatee Fire Rescue			YES <input type="checkbox"/>	NO <input type="checkbox"/>
Manatee County Sheriff's Department			YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Other Off-duty MCSO deputy contract			YES <input type="checkbox"/>	NO <input type="checkbox"/>
INSURANCE									
Certificate of Liability Insurance:		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Expiration Date:					
Alcohol Rider:		YES <input type="checkbox"/>	NO <input type="checkbox"/>	Expiration Date:					
SPECIAL EVENT MAP									
OTHER COMMENTS									
<p>* Requesting waiver of fee</p> <p>Parade will enter Anna Maria on Gulf Drive, turn right onto Pine Ave, turn right onto Tarpon St, turn right onto Magnolia Ave and end at The Center</p>									
STAFF RECOMMENDATION									
City Staff Recommendation			APPROVE <input checked="" type="checkbox"/>			DISAPPROVE <input type="checkbox"/>			

Manatee County Sheriff's Office

Anna Maria Island Unit

MONTHLY ACTIVITY REPORT

JANUARY 2022

Information:

No planned events for the City involving MSO.

Deputies on Leave:

Wright until 2/17

Training:

None scheduled.

Pending availability.

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The **Bicycles** are in **ready status**: Total bicycle/ATV patrols this reporting period: 104

The **MCSO Honda UTV #412** is in **service**.

The current engine hours are: 620

The **MCSO Kawasaki Mule #35** is in **service**.

The current engine hours: 525

The Unit spent approximately 3 hours cleaning and conducting PMs on the above equipment.

Upcoming Events:

Wedding on the beach at Oak 1/15

Concert 1/20 with Dan Felder

MANATEE COUNTY SHERIFF'S OFFICE

Report Dates From 1/1/2022 - 1/31/2022

Statistical Data	Totals
Misdemeanor	1
U.T.C's	2
Crash AT FAULT UTC's	1
Warning	37
Parking	7
F.I.'s	1
Assists	79
Training	2
P.R.'s	1318
Report Entry	15
No Reports	2414
Initiated	2288
Dispatched	141
Mileage	9394
Alcohol Violations	86
COV	89
Building Checks	653
ATV/Bike Patrol	104
Patrol/Walk	629
Noise Violations	6

