



CITY OF ANNA MARIA

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

AGENDA MAY 11, 2023, 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

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. First reading and public hearing of an ordinance to amend Chapter 114 Zoning, Ordinance 23-914. The Planning and Zoning Board recommended denial of the proposed ordinance (2-1)
3. Investment proposal – Mayor/Addy
4. Designation of remaining ARPA funds – Mayor/Addy
5. Legislative/Homerulefl.com Update – Mayor/Addy
6. Mayor's Comments
7. Commissioners' Comments
8. City Attorney's Comments
9. Staff Comments

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. Meeting Minute Approval: Regular Meeting: April 27, 2023 and Special Meeting April 24, 2023

Press Comment

Adjournment

 (FSS 286.26) IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING (941) 708-6130. SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS BE MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ORDINANCE NO. 23-914

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING SECTION 114-135, “NONCONFORMING LOTS AND PARCELS”, OF CHAPTER 114, “ZONING” OF THE CODE OF THE CITY OF ANNA MARIA; PROVIDING FOR AMENDMENTS AS TO USING FORMERLY COMBINED LOTS INDIVIDUALLY WHEN THEY ARE NOT CONFORMING TO MINIMUM DIMENSIONS AND LOT AREAS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

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

SECTION 1: Section 144-135, “Nonconforming lots and parcels”, of Chapter 114 “Zoning”, is hereby amended to read as follows:

Sec. 114-135. Nonconforming lots and parcels.

Nonconforming lots and lots of record located in any zoning district which do not conform to the minimum requirements of lot dimension or lot area as required for the implementing of any permitted or special exception use for the zoning district in which the land is located may be used for construction of permitted uses for the zoning district in which the land is located so long as the construction complies with all spatial and bulk requirements applying to all lands within the zoning district, and all regulations applying to conforming lots and parcels within the district. Provided, however, if two or more platted lots have been combined, or used together at any time for a unified development, or recognized as one lot under a single parcel ID, such combined lots shall not be utilized separately for use as individual lots for construction unless and until each such individual lot is conforming as to minimum dimension and lot area as required under the then applicable building lot requirements standards at the time of requested development or redevelopment.

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.

(SIGNATURE AND ADOPTION PAGE FOLLOWS)

AMENDMENT TO ORD. 114-135
SIGNATURE AND ADOPTION PAGE
PAGE 5 of 5

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this ____ day of _____, 2023.

Jonathan Crane, Commissioner
Doris Sebring, Commissioner
Mark Short, Commissioner
Robert Kingan, Commissioner
Charles Salem, Commissioner

Mark Short, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2023

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

ARPA FUNDS

ARPA Funds Received	882,504.00
Designated Funds:	
Non Profits	(3,737.06)
Infiltration	(407,000.00)
Pine Avenue	<u>(288,918.04)</u>
Total Expenditures	(699,655.10)

Undesignated Funds: 182,848.90

Recommended:

Pine Avenue Lighting



10a

CITY OF ANNA MARIA

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

MINUTES APRIL 27, 2023, AT 6:00 P.M. CITY COMMISSION REGULAR MEETING

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

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CALL TO ORDER

Chair Short called the meeting to order at 6:00 p.m.

**PLEDGE TO THE FLAG
ROLL CALL**

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

Others Present: City Clerk/Treasurer LeAnne Addy, Code Enforcement Officer Sandy Olson, City Attorney Becky Vose via Zoom, 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

Aaron Freuhauf who is a resident of Ellenton. He wanted to make a comment regarding smoking on the beaches. He mentioned how cigarette butts cause litter. He wanted to thank the City of Anna Maria for collaborating with placing cigarette butt containers throughout the city. He is asking them to reconsider the ordinance regarding the ban of smoking. He also mentioned his concerns about vaping and the effects of it.

2. West Manatee Fire & Rescue Discussion – Kwiatkowski

Mayor Murphy introduced Mr. Kwiatkowski from the Manatee fire and Rescue.

Rodney Kwiatkowski, Fire Marshal did a presentation on the importance of having Vacation Rental Inspections for the Commissioners.

Commissioner Kingan asked if this is implemented statewide or is it just West Manatee Fire & Rescue. He asked if he will he share the statistics of the violations. He asked if he will be looking into the occupancy when inspecting these vacation rentals.

Mr. Kwiatkowski stated that several communities are but not all of them. He stated that he will share the statistics. He stated that they will not be really dealing with the occupancy.

Commissioner Crane stated that if this is challenged by Vacation Rentals, is your firm ready to take this on.

Commissioner Salem asked why the issues are more in the vacation rentals than in a private home.

Mr. Kwiatkowski stated that it would be that they are caught up in vacation.

Chair Short read in one of the publications and he was quoted that 2700 have been identified on the island.

Commissioner Kingan asked how long they give a property to come in compliance.

Mr. Kwiatkowski stated that there is a timetable which is 45 days to correct.

Commissioner Sebring asked if it is a citation that you give the property that is not in compliance.

Mr. Kwiatkowski stated that they give them a citation/report. He stated that they are looking for smoke alarms, fire extinguishers, carbon monoxide alarms, and etc.

Joe Hendricks with AMI Sun asked if the city is inspecting the same. He asked if it was a duplicate of efforts.

David Gilson Building Official stated they look at the fire items, pool alarms, bedrooms, parking and much more.

Mr. Kwiatkowski stated that it is duplicated.

Mayor Murphy stated that he and Rodney will be going through several items and what Rodney is doing should be complimentary with the city.

3. AMI Community Center Financial Status – Culhane

Chris Culhane is present and is the Financial Executive Director for The Center. He went over the high-level financials with the City Commission. He stated that they have slowed down a lot from the ARPA funds, and other funds related as well as volunteer contributions. He stated that you are all aware of our issues with the air conditioning units and that a quote was provided. He was just aware that the proposal numbers are not accurate.

Commissioner Kingan asked about benefits.

Chris Culhane stated that the indirect costs and the direct costs are incorrect, and he feels that they are a CPA issue.

Commissioner Crane stated that it is cold as heck in the gym. Why do you need the new air conditioning unit.

Chris Culhane stated that it is an older unit, but it was just repaired about 6 years ago and it will need to be updated in the near future.

Commissioner Salem wanted to commend you for the great job with all of the programs at the center.

Commissioner Sebring agreed with Commissioner Salem and the additional expenses for the benefits are necessary to keep your employees and they do such a great job with the classes and education.

Chair Short wanted in full disclosure to state that he is part of the finance committee. He stated that he is very familiar with the revenues and expenses. He explained the financials a little more clearly and stated that at the end of March, they had \$250,000 in operating and \$150,000 which is the CBA loan they took out during Covid.

Chris Culhane stated that they are looking for capital improvements to replace the air conditioning units. He stated that he feels that they might have a donor to contribute towards the equipment.

4. Recommended City of Anna Maria Contribution to the AMI Community Center – Mayor

Mayor Murphy stated that we own the building, and we own the land and he feels that this is a capital improvement. He looked at our contingency fund and this year he would like to do something a little different. He would recommend taking \$50,000 from the contingency fund to pay the contractor to replace the air conditioning units. He feels that it is in the best interest of the city to protect our own property.

Commissioner Kingan stated that now that he knows that we own the building, there is no question in his mind as the Mayor suggested giving this money and to continue in the future for the maintenance and to increase our assets.

Motion: Approval to give \$50,000 to the licensed air conditioning contractor for the labor work and to take the funds out of the contingency for the AMI Community Center funds.

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

On roll call vote, the motion passed unanimously.

5. Authorization for Mayor to sign the State of Florida Department of Environmental Protection – Standard Grant Agreement – Resiliency Grant City Hall Hardening Project awarded to the City – Mayor
Mayor Murphy stated that this is a hardening and flood proofing agreement to make the improvements to our City Hall. This would include new windows, new doors, and barriers. This is in the amount of \$77,732.00.

Public Comment: None.

Motion: Authorization for Mayor to sign the State of Florida Department of Environmental Protection – Standard Grant Agreement
Action: Motion by Commissioner Crane, seconded by Commissioner Salem.
On roll call vote, the motion passed unanimously.

6. Pine Avenue RFP Decision – Mayor
Mayor Murphy stated that this vendor bid before last year. We changed the project, eliminating lighting, light crosswalks and a few other items. He stated that from the old bid to the new bid was a 30% increase which is an increase of \$418,000. He stated that we need to make the decision to either accept this bid and allow him to negotiate and the other alternative is that we reject this bid and rebid this project. We may make some changes to make it more appealing to more bidders. He stated that it looks like we might get another 1.4 million through the State so we could make it a bigger project.

Commissioner Kingan stated that when we switched to FDOT and it was high and we have to still go back to the FDOT for their approval again this year. He does not like a single bid and he agrees that the small project doesn't give anyone an incentive to come to the island to do this project. He feels that we should not accept this bid and add additional work and we have the time to at least consider that.

Commissioner Crane stated that this is the most significant project that we have done in years and he feels that he doesn't feel that we should wait. He feels that now is a good time to do this.

Commissioner Sebring stated that she doesn't feel good with the amount of the bid and only getting one bid. She stated that it seems unbelievable that we can only get one bidder.

Commissioner Salem also feels that competition would be fortunate and he knows that we all want this to be done but we need competition.

Chair Short stated that this has been on the table for about 2 years, but we are making progress but not where we thought we would be by now. He stated that things only have to be done once if we increase the project.

Public Comment: None.

Motion: To reject the RFP as presented
Action: Motion by Commissioner Kingan, seconded by Commissioner Sebring.
On roll call vote, the motion passed 4-1, Commissioner Crane opposed.

7. Legislative/Homerulefl.com Update – Mayor/Addy
Mayor Murphy covered the status of the vacation rental bills with the House and the Senate. He is not overly optimistic that this bill will be killed or modified, or a grandfathering provision will be extended. With that all being said, our best shot will be directing this to the Governor's office. He has been put on notice that this bill has been controversial. He stated that there are other websites cranking out letters, but our results are public knowledge, and we are proud of them. He stated that there is an amendment pending and it has been put on a special agenda. He stated that he will be discussing this with our City Attorney Becky Vose tomorrow and she will need to weigh in on this.

City Clerk LeAnne Addy stated that we sent out another campaign last Friday night and we have now sent out a total of 38,229 letters to the legislatures. We have increased our recipient as well.

Commissioner Sebring asked if she shares the letter and they email it out, do we capture their email address.

City Clerk LeAnne Addy stated that we do capture them.

Commissioner Salem stated that the strategy of sending letters is good when going to the legislature. He stated that the lobbyist gives us a list of his top supporters to physically go to the governor and make a plea. The likelihood that we will prevail is diminishing.

8. Mayor's Comments

Mayor Murphy stated that you each were given a t-shirt which is compliments of Holmes Beach Clean Water Committee.

Mayor Murphy stated that the Grand Opening for Mote Marine is Friday, May 5, 2023, at 10:00 a.m. We invited several people, and we will be giving out challenge coins, cookies, and refreshments.

Mayor Murphy stated that you will see these Centennial flags on our light posts next week. He did meet with the symphony, and they will be playing some unique songs.

9. Commissioners' Comments

Commissioner Sebring stated to buy your tickets for the crawfish boil which is held on May 6, 2023.

Sergeant Getman stated that North Bay Blvd, South Bay Blvd and Pine Avenue will be closed during both events.

10. City Attorney's Comments

None.

11. Staff Comments

None.

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. Meeting Minute Approval: Regular Meeting: April 13, 2023
- b. Special Event: Echelson-Kalknevicus Wedding on the Beach – September 23, 2023 from 6:00 p.m. – 7:00 p.m.
- c. Special Event: AMI Privateers' 4th of July Procession – July 4, 2023 from 10:00 a.m. to 12:00 p.m.
- d. Special Event: Twigg-Mueller Wedding on the Beach – September 1, 2023 from 7:00 p.m. to 7:30 p.m.
- e. Special Event: Zupa-Dandino Wedding on the Beach – November 11, 2023 from 5:30 p.m. to 6:30 p.m.

Chair Short mentioned that the Special Event for the AMI Privateers had asked for a waiver of fee

Motion: To approve the consent agenda with the waiver of fee for the AMI Privateers.

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

On roll call vote, the motion passed unanimously.

Press Comment

None.

Adjournment

Chair Short adjourned the meeting at 7:23 p.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer



10a1

CITY OF ANNA MARIA

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

MINUTES APRIL 24, 2023, AT 11:00 A.M. CITY COMMISSION SPECIAL MEETING

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United States: +1 (929) 205-6099

Meeting ID: 853-9200-0280

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CALL TO ORDER

Chair Short called the meeting to order at 11:00 a.m.

PLEDGE TO THE FLAG

ROLL CALL

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

Others Present: City Clerk/Treasurer LeAnne Addy, Code Enforcement Officer Sandy Olson, City Attorney Becky Vose via Zoom, AMI Sun, and Islander newspaper.

SPECIAL 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. Consideration of possible settlement for Beach to Bay Investments, Inc., AMI Locals, LLC, Shawn Kaleta v. City of Anna Maria, Florida – Vose

City Attorney Becky Vose discussed that the Commissioners have a signed settlement agreement. If a noise violation occurs at the property at 205 South Bay Blvd, Anna Maria, Fl. on or before ninety (90) days after April 25, 2023, as to the subject property to be effective for a ninety (90) day period from the date of such verified noise citation.

Public comment:

None.

Motion: Authorization for the Mayor to sign this agreement with adding the word day on paragraph 2 and to authorize the City Clerk to attest the agreement.

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

On roll call vote, the motion passed unanimously.

3. Consideration of possible settlement for City of Anna Maria, Florida v. Mangoes on Magnolia, LLC – Vose

City Attorney Becky Vose discussed that the Commissioners have the signed settlement agreement. Mangoes on Magnolia will be on probation for a year beginning on this date. If there is a proven noise violation, Mangoes shall shut down the rental for a consecutive six-week period (“Shut Down Period”). Mangoes will not be required to cancel any existing rentals that are less than three (3) months in the future, but the Shut Down Period must commence no later than four (4) months after the proven noise violation. If there are no further proven noise violations this case shall be dismissed by the City at this time.

Commissioner Crane asked if we reviewed the advertisement they had.

City Attorney Vose stated “No”. She stated that we don’t care how they accomplish the no noise as we are more concerned about what is in the agreement. She stated we want to accomplish no noise and this agreement will cover that.

Commissioner Short summarized what we are trying to accomplish and feels that this agreement covers that.

Commissioner Crane stated that he feels that the settlement agreement should have the accomplishments on it. He is asking if they lived up to the attorney’s representation based on this settlement agreement.

Commissioner Salem feels that it is important to verify some of the items such as the steps that they offered. He supports the settlement but in the future, we need to verify things like that.

Motion: Authorization for the Mayor to sign this agreement and to authorize the City Clerk to attest the agreement.

Action: Motion by Commissioner Sebring, seconded by Commissioner Salem.

On roll call vote, the motion passed 4-1, Commissioner Crane opposed.

4. Pine Avenue Bid Decision – Mayor

Mayor Murphy stated that we received one bid on the Pine Avenue project. He stated that they are confidential and to review the documents between now and Thursday as we will ask you to authorize him to negotiate or to reject the bid. We can reject the bid for no reason or for cause.

Commissioner Short stated that we have had this project on the slate for the last two years so we have funding out there, in spite of it has been two years on our plate, our agreement with FDOT has to be done by December 31, 2023. The construction contract must be let by December 31, 2024 and the construction must be completed by December 31, 2024.

Press Comment

None.

Adjournment

Chair Short adjourned the meeting at 11:26 a.m.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer