



CITY OF ANNA MARIA

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

AGENDA

AMENDED

JULY 27, 2017

IMMEDIATELY FOLLOWING THE BUDGET WORKSESSION MEETING CITY COMMISSION REGULAR MEETING

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. **Approve Tentative Millage Rate – Mayor**
3. Ordinance 17-830 - Historic Preservation – Vose
4. Resolution R7-727 – Establishing Salary Ranges for City Employees – Vose
5. Ordinance 17-831 Formula Retail - Vose
6. Community Center Update - Chambers
7. City Pier Park Update - Mayor
8. City Pier RFP Update - Mayor
9. Lobbyist Report - Mayor
10. Mayor's Comments
11. Commissioners Comments
12. City Attorney Comments
13. Staff Comments

14. **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: Special Meeting 7/13/17 and Budget Workshop Meeting 7/13/17

15. **CITY DEPARTMENT REPORTS AND UPDATES:**
 - a. Sheriff's
 - b. Code Enforcement/City Pier
 - c. Building Department
 - d. City Clerk/Treasurer
 - e. Public Works

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. 17-830

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA AMENDING CHAPTER 86, OF THE CODE OF THE CITY OF ANNA MARIA, FLORIDA, RELATING TO "HISTORIC PRESERVATION;" MAKING FINDINGS OF FACTS AND PURPOSE; REQUIRING PERMIT FOR DESTRUCTION OR ALTERATION OF SIGNIFICANT ARCHAEOLOGIC OR HISTORIC SITE; PROVIDING FOR THE DESIGNATION OF SITES AND FOR DEVELOPMENT ON IDENTIFIED SITES; PROVIDING FOR APPEALS AND DEFINITIONS; PROVIDING FOR AN HISTORIC PRESERVATION BOARD WITH DUTIES AND AUTHORITY; PROVIDING FOR THE CITY OF ANNA MARIA TO BECOME A CERTIFIED LOCAL GOVERNMENT FOR HISTORIC PRESERVATION PURPOSES; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

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

SECTION 1. Chapter 86, "Historic Preservation" of the Code of Ordinances of the City of Anna Maria is hereby amended by repealing Chapter 86 in its entirety and replacing it to read as follows:

CHAPTER 86. HISTORIC PRESERVATION

ARTICLE I. - IN GENERAL

Sec. 86-1. - Definitions.

As used in this article, the following terms shall mean:

Alteration. Any act that changes the exterior features of a designated property.

Amendment 3. The Florida Constitution, Article VII, Section 3(e), and the Florida Legislature in Sections 196.1997 and 196.1998, govern the allowance of certain ad valorem tax exemptions for historic properties.

Anna Maria Register of Historic Places: An official listing maintained by the city of all designated Historic Properties.

Building. Any structure with an impervious roof built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent or more of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof."

Building official. The officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the Florida Building Code in the City.

Certificate of appropriateness. A written authorization issued by the historic preservation board required for any proposed work that will result in the exterior alteration, demolition, relocation, or reconstruction, of a designated historic resource; any proposed new construction associated with a designated historic resource. Specifically, exempted from this definition is the requirement to obtain said certificate for the painting of a building or structure.

Certified local government. A designated local government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (PL 96-515), which implements regulations as established by the United States Department of the Interior (36 CFR 61) and the Florida Certified Local Government Guidelines provided by the Florida Department of State, Division of Historical Resources.

- *Certificate of designation.* A written document indicating the designation of a ~~significant~~ historic resource meeting the criteria and being designated as such as outlined in this chapter.
~~historic resource pursuant to this chapter.~~

City commission or commission. Refers to the City Commission of the City of Anna Maria, Florida.

Demolition. Any act that destroys in whole or in part a site, building, or structure.

Demolition by neglect. Improper or inadequate maintenance of a historic resource which results in its substantial deterioration and threatens its continued preservation.

Documentation. Photographs, slides, drawings, plans, or written descriptions.

Due public notice. Publication of notice of the day, time, place and purpose of a public hearing at least once in a newspaper of general circulation in the area, with such publication to be at least ten (10) calendar days prior to the date of such public hearing. Additionally, all property owners within five hundred (500) feet of the subject property and all homeowners associations and individuals maintained on a list by the City Clerk's designee within five hundred (500) feet of the subject property will be notified via first class U.S. Mail; with the post mark to be affixed no less than ten (10) calendar days prior to the date of such public hearing.

Exceptional importance. A historic resource that has achieved significance within the last fifty (50) years because of the ~~extraordinary~~ importance of an event that has occurred there on the local, state, or national level; ~~the fragility of the resource;~~ the community's strong associative attachment to the resource; or the significance of a building's architecture or architect.

Florida Master Site File. The state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of paper and computer files maintained by the Division of Historical Resources, Florida Department of State. Resources listed in this inventory do not have to meet a historical or cultural significance requirement.

Historic preservation board or board. An agency of the city government in and for the city. The board is vested with the power, authority and jurisdiction to inventory, designate, certify, regulate and manage historic resources in the city as provided for in this chapter.

Historic preservation fund. The source from which monies are appropriated to fund the program of matching grants in aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.

Historic preservation officer. The employee or consultant to the city or their duly authorized representative who is responsible for administering, interpreting and enforcing the provisions of this chapter. Said officer or their duly authorized representative should meet the requirements of at least one (1) of the disciplines (history, archaeology, architectural history, architecture or historic architecture) outlined in the Professional Qualification Standards in 36 CFR 61 or appendix A of the Florida Certified Local Government Guidelines. The historic preservation officer shall be appointed by the Mayor or his designee.

Historic resource. Any prehistoric or historic site, building, structure, objects or other real or personal property of historical, architectural or archaeological value. These properties or resources may include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure troves, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the county, the state or the United States of America.

Integrity. The authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.

Local register. A means by which to identify and classify various sites, buildings and objects as historic and/or architecturally significant.

Mass. The envelope or cubic footage of the structure, including, but not limited to all habitable space, garages, attics, storage areas and porches.

National Register of Historic Places. The national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

Object. A material thing of functional, aesthetic, cultural, historical or scientific value that may be by nature of design, movable, yet related to a specific outdoor setting or environment.

Ordinary maintenance. Any work for which a building permit is not required by law.

Person. An individual, firm, association, organization (whether social, fraternal or business), partnership, joint venture, trust company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit, including any government.

Property owner. Any person, group of persons, firm, joint venture, corporation or other legal entity having legal title to the land regulated under this chapter.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural or cultural values.

Restoration. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

Scale. The scale of a building is defined as the ratio of the mass of the building to the total buildable area of the property, as defined by maximum setback, step-back and height requirements.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or building or structure, whether standing, ruined or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

State ~~historic~~ Historic Preservation Officer (SHPO). The official designated pursuant to F.S. § 267.031(7), to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

Structure, means anything constructed or erected which is located 12 inches above the ground or attached to something located on the ground, exclusive of landscape materials. ~~Structure. Anything constructed or erected on the ground or attached to anything constructed or erected on the ground.~~

Sec. 86-2. - Notice of violation; penalty; additional remedies.

- (a) If the historic preservation officer finds that any provision of this chapter is being violated, the property owner ~~apparently responsible for such violations~~ shall be notified, in writing, indicating the nature of the violation and ordering any action necessary to correct it.
- (b) Violation of this chapter is punishable as provided in section 2-46 *et sec.*
- (c) In addition to any other remedies, whether civil or criminal, the violation of this chapter or any lawful order of the city commission, the city historic preservation board or the historic preservation officer may be restrained by injunction, including a mandatory injunction, and otherwise abated in any matter provided by law.

Sec. 86-3. – Findings of fact, purpose and intent.

(a) *Findings of fact.* The purpose of this chapter is to identify, evaluate, recognize, preserve and protect significant historic and archaeological resources by:

- (1) Historic and prehistoric resources are nonrenewable and can contain artifacts and other associated remains and features, which can contribute to an understanding of an area's prehistory and history.
- (2) The protection, enhancement and perpetuation of properties of historical, cultural, archeological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the city.

(3) The City of Anna Maria contains significant historic resources dating to the founding of the City, and including structures in the Classical, Revival, Colonial Revival, Frame and Masonry Vernacular, Mediterranean Revival, Mission, and Prairie styles.

(4) This Chapter seeks to protect and preserve elements that contribute to the architectural and historic significance of the City of Anna Maria, including but not limited to, distinguishing historic material, distinctive stylistic architectural features, examples of skilled craftsmanship, and significant historical, architectural, and cultural materials.

(5) The City of Anna Maria's Comprehensive Plan encourages the City of Anna Maria to preserve and protect historically and architecturally significant resources and structures.

(6) The historic and architectural significance of the City of Anna Maria has been established through field surveys and other inventory and analysis tasks; and

(7) The City's Planning and Zoning Board, sitting as the Local Planning Agency, has found this Ordinance as they amended it to be consistent with the City's Comprehensive Plan and has recommended its adoption.

(8) It is desirable for the City to become a Florida Certified Local Government for the purpose of implementing the City's historic preservation policies and regulations.

(b) *Purpose.* The purpose of this chapter is to identify, evaluate, recognize, preserve and protect significant historic and archaeological resources by:

- (1) Creating a historic preservation board with the power and duty to effectively administer this chapter.
- (2) Empowering the historic preservation board to certify designation of individual properties (including buildings, structures, sites and objects) as historically significant using the criteria established in this chapter.
- (3) Protecting the integrity of historic resources by requiring the issuance of certificates of appropriateness and certificates to excavate before allowing alterations, removal or disturbance of designated resources.
- (4) Encouraging historic preservation by providing technical assistance and incentives.
- (5) Managing the historic resources owned and/or operated by the city in a manner consistent with the city comprehensive plan and policy maintained by the Florida Department of State, Division of Historical Resources.

(c) *Intent.* The intent of this chapter is to promote the general health, safety and welfare of the public by:

- (1) Stabilizing and improving property values through the rehabilitation of individual properties and the revitalization of older residential neighborhoods and commercial areas.

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- (2) Creating and implementing cultural and educational programs that will foster a better understanding of the city's heritage.
- (3) Promoting the city's historic resources for enjoyment of the citizens of the city and for tourists and visitors.
- (4) Providing to the scientific community intact resources in which to study past human behavior and lifestyles.
- (5) Obtaining Certified Local Government status pursuant to the National Historic Preservation Act of 1966, as amended, 16 USC 470.

Sec. 86-4. - Scope.

This chapter shall govern and be applicable to all property located in the city.

Sec. 86-5. - Incentives.

Financial assistance. All properties certified as historic resources under the scope of this chapter shall be eligible for any financial assistance set aside specifically for the preservation and protection of such resources as established by the city, the county, the state or the federal government, provided they meet the requirements of such programs.

Sec. 86-6. - Stop work orders.

Any work conducted contrary to the provisions of this chapter on designated properties or structures shall be immediately stopped upon notice from the historic preservation officer, a code enforcement officer, or building inspector that the work does not conform to the terms of this chapter. Notice shall be in writing and shall be given to the property owner, their agent or the person doing the work and shall be posted on the property. ~~If none of these persons are immediately available on the construction site to receive the required notice, it shall be posted on the property.~~ The notice shall state all conditions under which work may be resumed. In emergencies, such as cases where the historic object or property will be irreparably destroyed or historic fabric removed the historic preservation officer, a code enforcement officer, or building inspector shall not be required to furnish written notice of the stop work order.

Sec. 86-7. - Fees.

The city commission is hereby authorized to adopt a fee resolution to implement the provisions of this chapter.

Sec. 86-8. - Filing of historical material and data.

The office of the city clerk shall file and record all such historical material and data that the board may direct to be filed and recorded.

Sec. 86-9. - Re-hearings.

- (a) If it is alleged that the historic preservation board or the city commission has overlooked or misinterpreted some facts or points of law, a rehearing of any decision of the board or the city commission may be granted by that body upon the request of any person or property owner that believes that they have been aggrieved by its decision, herein referred to as the movant. The request shall be in writing, shall be filed with the city staff within ten (10) working days after rendition of the decision by the board or the city commission as the case may be, and shall state its grounds.
- (b) The movant shall then serve the request by certified mail or hand delivery upon the mayor and the city clerk, and the property owner if the movant is other than the property owner previously notified of the hearing, together with a notice stating the date, time and place it will be orally presented to the board or city commission.
- (c) If the board or city commission grants the motion, it shall state its reasons for doing so, and set a date, time and place for another public hearing upon due public notice.

Secs. 86-10—86-40. - Reserved.

ARTICLE II. - HISTORIC PRESERVATION BOARD

Sec. 86-41. - Generally.

- (a) *Creation.* There is hereby created the City of Anna Maria Historic Preservation Board, referred to in this chapter as the board, as an agency of the city government in and for the city. The board is hereby vested with the power, authority and jurisdiction to inventory, designate, certify, regulate and manage historic resources in the city as provided for in this chapter.
- (b) *Orientation.* The office of the city clerk and/or the city attorney will conduct a board orientation in the first quarter of the year in which appointments are to be made. The orientation will acquaint the board with parliamentary procedure, Sunshine law, public records law, and the city staff that will be available to the historic preservation board.
- (c) *Powers and duties.* The board shall have the following powers and duties:
 - (1) Adopt rules and procedures necessary for the implementation of the provisions of this chapter.
 - (2) Issue certificates of designation and designate eligible historic resources pursuant to the criteria outlined in this chapter.
 - (3) Advise the city commission on all matters related to historic preservation policy, including use, management and maintenance of city-owned historic resources.
 - (4) In cooperation with the Anna Maria Island Historical Society Collectcollect, arrange, record, publish and preserve historical material and data, including books, pamphlets, maps, charts, manuscripts, family, club or business histories, U.S. Census records, papers

and pictures, and other objects and materials illustrative of and relating to the history of the city and this region of the state; to procure and preserve narratives of the early pioneers, explorers and others, and their exploits, perils, privations and achievements; to curate material of every description relative to the Indians of the section and the Indian wars, and relative to its soldiers, its schools, its churches and its industries, and its prominent men and women.

(5) Propose and recommend to the city commission financial and technical incentive programs to further the objectives of historic preservation.

(6) Educate owners of designated historic resources and the general public on the benefits of historic preservation and federal, state and local laws and policies regarding the protection of historic resources.

(7) Request grant assistance through the city commission from state, federal or private sources for the purpose of furthering the objectives of historic preservation.

(8) Upon designation as a certified local government, to review and make recommendations concerning National Register of Historic Places nomination proposals for properties to the ~~state national register review board~~[Florida Master Site File](#).

(9) In cooperation with the historical society, mark by proper monuments, tablets or markers, the location of forts, Indian mounds or other places in the city where events of historical significance have occurred.

(10) Issue certificates of appropriateness when appropriate.

(11) Perform any other function or duty related to historic preservation authorized under this chapter or assigned by the city commission.

(12) Be represented at pertinent historic preservation educational meetings, workshops and conferences sponsored by the Florida Department of State, Division of Historic Resources, or the Florida Trust for Historic Preservation.

(13) Seek expertise on proposals or matters requiring evaluation by a professional or a discipline not represented on the board.

(14) Encourage board members to participate in the survey and planning activities of the city.

(15) The board shall conduct an annual goal setting session where they will outline their work-plan for the year. The board will make an annual presentation to the city commission on the accomplishment of their work plan.

(d) *Membership.*

(1) *Qualifications.* The board shall have five (5) members, whose area of geographic responsibility is coterminous with the boundaries of the City of Anna Maria. The members of the board shall be appointed by the mayor and approved by the city commission. All applicants for positions on the board shall submit relevant qualifications for the mayor's consideration. Applicants shall be eligible to serve provided the applicant owns property or is a resident in the city prior to the date of making application. Preference is given to applicants with expertise in history, architecture, architectural history, civilization, cultural geography, cultural anthropology, American history, or historic preservation.

~~(2) *Duration of term; vacancy.* Members of the board shall serve three year terms. Of the initial appointments, two members shall be appointed for a term of three years and~~

~~three members shall be appointed for a term of two years. When a vacancy occurs on the board the city commission shall fill it as quickly as possible for the remainder of the unexpired term.~~

(32) *Term.* Members of the board shall serve three-year terms. Of the initial appointments, two members shall be appointed for a term of three years and three members shall be appointed for a term of two years. When a vacancy occurs on the board the mayor shall fill it as quickly as possible for the remainder of the unexpired term. Board members shall be eligible for reappointment and there shall be no term limits.

(43) *Meetings.* The board shall hold a minimum of four meetings per year at regular intervals.

(54) *Educational meetings and workshops.* Persons serving on the board are encouraged to attend educational meetings or workshops to develop a special interest, expertise, experience or knowledge in preservation, architecture, or quasi-judicial boards.

(65) *Appointed professionals.* The city shall appoint professionals as needed to advise and assist the board, carry out delegated responsibilities, and undertake the requirements for certified local government certification.

(76) *Procedures and quorum.* The board shall adopt rules of procedures based upon *Robert's Rules of Order*, subject to any limitations prescribed by law. Three members shall constitute a quorum for the transaction of business, and minutes shall be kept of all meetings. Each meeting shall have been previously noticed and shall be open to the public. No certificate of designation or certificate of appropriateness shall be approved unless a majority concurs. All records of the board, including its rules of procedure, minutes and inventory, shall be maintained and considered to be public records open to inspection by the public. Upon designation as a certified local government, the board shall meet the reporting requirements outlined in the Florida Certified Local Government Guidelines.

(87) *Selection of chair~~man~~ and vice-chair~~man~~; right to vote; minutes.* The board shall select a chair~~man~~ and vice-chair~~man~~ for one year terms and shall prescribe their duties and powers. Appropriate city staff members shall attend all meetings, acting in an advisory capacity and participating fully in board discussions, but having no right to vote. The board shall keep minutes of its proceedings, record the vote on each question and keep records of its discussions, recommendations and other official actions.

(98) *Removal.* The mayor may remove any member of the board for cause. Any member of the board who has two consecutive unexcused absences shall be automatically removed. A board vacancy shall be filled for the remainder of the unexpired term. The nomination by the Mayor to fill a vacancy shall be made within sixty (60) calendar days of the vacancy.

(109) *Expenses.* The mayor is hereby authorized to pay the expenses of the historic preservation board.

Sec. 86-42. Local Government Certification Program. The City of Anna Maria shall become certified pursuant to the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO").

(a) *Duties of the City ~~Planning/Planner-Department.~~* The City ~~Planning-Planner Department~~ shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO"). The ~~Planning~~

~~Planner Department~~ shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The ~~Planning-Planner Department~~ shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

1. Changes in Historic Preservation Board membership.
2. Amendment of regulations governing the Historic Preservation Board; provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.
3. The ~~Planning-Planner Department~~ shall provide duplicates of all relevant documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.
4. The ~~Planning-Planner Department~~ shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.
5. The ~~Planning-Planner Department~~ shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.
6. The ~~Planning-Planner Department~~ shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
7. The ~~Planning-Planner Department~~ shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.
8. The ~~Planning-Planner Department~~ shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
9. The ~~Planning-Planner Department~~ shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.
10. The ~~Planning-Planner Department~~ shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:
 - a. A copy of the rules of procedure for the Historic Preservation Board;
 - b. A copy of the historic preservation ordinance;
 - c. Resumes of all Historic Preservation Board members;
 - d. Changes to the membership of the Historic Preservation Board;
 - e. The total number of projects reviewed by the Historic Preservation Board;
 - f. A review of survey and inventory activity with a description of the system used;
 - g. New historic landmark designations;
 - h. New listings on the National Register of Historic Places; and
 - i. A report of all grant assisted activities.

Sec. 86-43. - Repository for collections and other material.

The city commission in cooperation with the Anna Maria Island Historical Society shall provide suitable and adequate space as a repository for the findings, collections and other material of the historic preservation board.

Sec. 86-44. - Appeal of decisions of the historic preservation officer.

(a) The historic preservation board has the sole authority to hear and decide appeals from any order, requirement, decision or determination of the historic preservation officer in the enforcement of this chapter. Appeals may be taken by any person aggrieved or by any officer, board, department or agency of city government adversely affected by any decision of the historic preservation officer. An appeal shall be taken within ten (10) days after rendition of the order, requirement, decision or determination, by filing with the historic preservation officer a written notice of appeal specifying its grounds.

(b) The appeal shall be on a form prescribed by the historic preservation officer.

(c) Upon receipt of the notice of appeal, the historic preservation officer shall transmit to the board all documents, plans, papers, minutes, applications, recommendations or other materials relating to the appealed decision.

Sec. 86-45. - Appeal of decisions of board.

(a) The city commission has the sole authority to hear and decide appeals from any order, requirement, decision or determination of the historic preservation board except for nominations for the National Register of Historic Places, which shall be appealed to the state historic preservation officer. Appeals may be taken by any person aggrieved or by any officer, board, department or agency of city government adversely affected by any decision of the board. An appeal shall be taken within ten (10) days after rendition of the order, requirement, decision or determination, by filing with the historic preservation officer a written notice of appeal specifying its grounds.

(b) The appeal shall be on a form prescribed by the historic preservation officer.

(c) Upon receipt of the notice of appeal, the historic preservation officer shall transmit to the city commission all documents, plans, papers, minutes, applications, recommendations or other materials relating to the appealed decision.

Secs. 86-46—86-70. - Reserved.

ARTICLE III. - HISTORIC RESOURCE DESIGNATION

Sec. 86-71. - Initiation of process.

The process for designation of historic resources may be initiated by the filing of a completed application for a certificate of designation by the property owner, ~~historic preservation officer, or upon the request of the city commission, or the historic preservation board, or a member thereof.~~ The City's historic preservation officer, through his own initiative, upon the request of the city commission, historic preservation board, or a member thereof, may contact a property owner to inform him of the city's historic resource designation.

Sec. 86-72. - Application for certificate of designation.

Prior to the designation of any historic resource pursuant to this chapter, an application for a certificate of designation shall be submitted to the historic preservation board. This application shall contain, as a minimum, the following information:

- (1) For individual historic buildings, structures and objects:
 - a. A physical description of the building, structure or object and its character-defining features, accompanied by photographs.
 - b. A description of the existing condition of the building, structure or object, including any potential threats or other circumstances that may affect the integrity of the building, structure or object.
 - c. A statement of the historical, architectural or other significance of the building, structure or object as defined by the criteria for designation established by this chapter.
 - d. A statement of rehabilitative or adaptive use proposals, if applicable.
 - e. A location map showing zoning and other appropriate land use information and a legal description of the property.
 - f. The name of the building, structure or object, and the Florida Master Site File number, if applicable.
 - g. The name and address of the property owner.
 - h. Any other appropriate information requested by the board.
- (2) For individual archaeological or historic sites:
 - a. The name of the site, and the Florida Master Site File number, if applicable.
 - b. A location map showing zoning and other appropriate land use information and a legal description of the property.
 - c. Culture or historic periods represented at the site.
 - d. The type of site and a list of any artifacts associated with the site.
 - e. A list of any references to human remains discovered at the site.
 - f. Photographs showing at least one (1) general view of the site and photographs of diagnostic artifacts found at the site (if available).
 - g. A statement of the historical and/or scientific significance of the site as defined by the criteria for designation established by this chapter.
 - h. A description of the physical condition of the site, including any potential threats or other threats that may affect the integrity of the site.
 - i. The name and address of the property owner.

- j. Any other appropriate information requested by the board.

Sec. 86-73. - Procedure for issuance of certificate of designation.

(a) *Notice of proposed certificate of designation.* The historic preservation officer shall send by certified mail a notice of proposed certificate of designation to the owner of the property in question at least thirty (30) calendar days prior to the date of the public hearing, or the owner shall otherwise acknowledge notice of the public hearing from the historic preservation officer. The historic preservation officer shall transmit to the owner the recommendations on the designation prior to the public hearing.

(b) *Public hearing.* For each proposed designation pursuant to this chapter, the board shall hold a public hearing within sixty (60) days after the filing of an application for a certificate of designation with the historic preservation officer and after due public notice. The historic preservation officer, at the public hearing, shall:

(1) Make recommendations to the board as to whether or not the building, structure or object is eligible for designation pursuant to this chapter and provide a listing of those features of the building, structure or object which require specific historic preservation treatments.

(2) Make recommendations to the board as to whether or not the site is eligible for designation pursuant to this chapter, which shall include a location map showing site boundaries, justification for such boundaries, relevant land use information and any proposed development.

(c) *Action by board.* At the public hearing, the board shall either approve, deny or approve with conditions a proposed certificate of designation pursuant to this chapter based on the criteria outlined in section 86-74; ~~provided, however, in the event the owner objects in writing to the proposed designation of the historic building, structure, object or historic site, either before or during the public hearing, then the application shall be withdrawn and shall not be considered by the board at that time. All objections in writing must contain the notarized signature of the property owner(s).~~ Unless appealed, the decision of the board shall be the final administrative action. Copies of the decision shall be mailed to the applicant and property owner within ten (10) days of the board's decision.

(d) *Issuance of certificate; recommendation of amendments to comprehensive plan.* If a designation is made, the board shall issue the certificate of designation and recommend to the city commission, if needed, amendments to appropriate elements of the comprehensive plan, including the future land use map, to show such designation. All designations shall be filed with the historic preservation officer.

(e) *Suspension of building activities during review process.* Upon the filing of an application for certificate of designation, no permits may be issued authorizing building, alteration, demolition, relocation or excavation of the subject property until such time as final board administrative action occurs. The historic preservation officer shall notify the building official of the suspension of activities upon the filing of an application for designation. If a permit has been issued by the City prior to the application for designation, any such permit may be withdrawn by the City upon agreement of the historic preservation office, building official and mayor.

Sec. 86-74. - Criteria for issuance of certificate of designation.

The historic resources considered for issuance of a certificate of designation by the historic preservation board shall possess at least three (3) of the following characteristics: integrity of location, design, setting, materials, workmanship, be at least fifty (50) years old unless it has exceptional importance; and shall meet at least one (1) criterion in one (1) of the three (3) significant categories listed in this section:

- (1) A historic resource shall be considered historically significant if it is:
 - a. Associated with the life or activities of a person of importance in local, state or national history;
 - b. The site of a historic event with a significant effect upon the city, county, state or nation;
 - c. A prime historical example of the political, cultural, economic or social trends, successes or failures of the people of the city;
 - d. Associated with a past or continuing institution which has contributed substantially to the life of the people in this city; or
 - e. A building or structure, site, object if its location, landscape setting or environment exemplifies a specific historical context.
- (2) A historic resource shall be considered architecturally significant if it is:
 - a. A building or structure that embodies distinctive characteristics of an architectural style, type, form, period or method of construction;
 - b. A building or structure that is the work of a prominent architect, builder or other design professional;
 - c. A building or structure possessing elements of design, detail, material or craftsmanship which are of outstanding quality;
 - d. A building or structure which represented, in its time, a significant technological innovation, or an adaptation to the state environment; or
 - e. An exceptional or unique example of a utilitarian structure or building.
- (3) A historic resource shall be considered archaeologically significant if it is:
 - a. A site associated with an important historical event or person and which contains intact archaeological deposits;
 - b. A site of such condition that data recoverable from the site may provide unique or representative information on past human activities and behavior; or
 - c. A site that has in the past revealed information vital in developing well-established and widely accepted models and theories about past cultures and/or activities.

Sec. 86-75. - Rescinding designation.

The designation of any historic resource may be rescinded through the same procedure utilized for the original designation provided that the following conditions are met:

- (1) The historic resource or contributing resource no longer retains its significance due to permitted alterations or extensive damage cause by fire or storm;
- (2) The board vote to rescind a designation is majority of the members attending.

Secs. 86-76—86-100. - Reserved.

ARTICLE IV. - CERTIFICATE OF APPROPRIATENESS

Sec. 86-101. - Activities requiring certificate.

A certificate of appropriateness issued by the historic preservation board ~~shall be required~~ for designed properties, shall be required for any of the following activities:

- (1) Any alteration requiring a building permit which may change the exterior appearance of an individually designated historic building or structure.
- (2) Demolition of an individual building or structure that has been previously issued a certificate of designation.
- (3) The relocation of any building or structure or individually designated historic resource.
- (4) Any new construction of principal or accessory buildings, structures, or any addition to any building designated as a historic resource.

Sec. 86-102. - Other permits and approvals.

A certificate of appropriateness shall be considered prerequisite to the issuance of any other permits required by this chapter or the city commission. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the city.

Sec. 86-103. - Certificate not required for certain work.

A certificate of appropriateness shall not be required for painting or other ordinary maintenance to the exterior of a building as defined in section 86-1. Upon application for a building permit, said application shall be reviewed by the historic preservation officer to determine whether or not the proposed project will change the exterior appearance of the designated building or structure. If there will be a change to the exterior appearance, then the owner shall apply for a certificate of appropriateness. Neither the historic preservation officer nor the historic preservation board shall consider interior arrangement or design when reviewing an application for a certificate of appropriateness unless such change affects the exterior appearance of the building.

Sec. 86-104. - Preapplication conference.

Prior to making an application for a certificate of appropriateness, the applicant shall confer with the historic preservation officer on the nature and purpose of the proposed action. The prospective applicant shall be advised of the plans, photographs, statements or other exhibits necessary for submitting an application.

Sec. 86-105. - Application.

Application to the historic preservation board for a certificate of appropriateness shall be on a form supplied by the historic preservation officer and filed with said officer. Applications shall include:

- (1) Plans for structural changes, where applicable.
- (2) A description of exterior finish materials (samples may be requested of nonstandard materials), where applicable.
- (3) Site plans, including landscape plans and building elevations, where applicable.
- (4) Photographs of the subject property, including areas of proposed work.
- (5) Notarized authorization of the owner if the applicant is other than the owner or attorney for the owner.
- (6) Other documentation of architectural compatibility as offered by the applicant or requested by the historic preservation officer or board.
- (7) The name, address and telephone number of the applicant.

Sec. 86-106. - Public hearing.

The historic preservation board shall hold a public hearing within sixty (60) days after the filing of a complete application for a certificate of appropriateness with the historic preservation officer and after due public notice for each certificate of appropriateness. The board shall also send, by certified mail, a notice of the proposed certificate of appropriateness to the owner of the property at least thirty (30) calendar days prior to the date of the public hearing, or the owner shall otherwise acknowledge notice of the public hearing to the historic preservation officer. At the public hearing, the historic preservation officer shall recommend approval, denial or approval with conditions of the certificate of appropriateness. The historic preservation officer shall transmit said recommendation to the owner prior to the public hearing.

Sec. 86-107. - Action by historic preservation board.

At the public hearing provided for in this article, the historic preservation board shall approve, deny or approve with conditions each application based on the appropriate criteria contained in

this article after the public hearing, except as otherwise provided for in demolition situations outlined in section 86-111. Copies of the decision shall be mailed to the applicant and property owner within ten (10) days of the decision. Unless appealed, the decision of the board shall be the final administrative decision. After the issuance of a certificate of appropriateness, except for ordinary maintenance, no change may be made in the proposed work without resubmittal of an application.

Sec. 86-108. - Review criteria for proposed exterior work on buildings or structures where a certificate of designation has previously been issued.

In consideration of an application for a certificate of appropriateness for proposed exterior construction, the historic preservation board shall utilize the following guidelines based on the United States Secretary of the Interior's Standards for Rehabilitation, 36 CFR 67:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of exterior features that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, work shall be monitored by an archaeologist, as appropriate, and mitigation measures shall be undertaken.
- (9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 86-109. - Review criteria for proposed new construction and additions.

New construction and additions associated with an individually designated historic resource shall be compatible with the buildings, site, or environment with which the new construction is visually related. Criteria to be considered by the historic preservation board shall include the following:

- (1) The height, volume, mass, scale, proportions and relationship between doors and windows, rhythm of solids and voids created by openings in the facade, materials used in the facade, the texture inherent in the facade, the pattern and trim used in the facade, and the design of the roof shall be compatible with any existing historic buildings within view of the property.
- (2) Rhythm created by existing building masses and spaces between them shall be preserved.
- (3) Landscape plans shall be compatible with the buildings and environment with which it is visually related.
- (4) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

Sec. 86-110. - Review criteria for relocation.

When an applicant seeks to obtain a certificate of appropriateness for the relocation of an individually designated resource the historic preservation board shall consider the following criteria:

- (1) The contribution the building or structure makes to its present setting.
- (2) Whether there are definite plans for the site to be vacated.
- (3) Whether the building or structure can be moved without significant damage to its physical integrity.
- (4) The compatibility of the building or structure to its proposed site and adjacent properties.

The applicant shall document, through photographs, the property in its original location prior to removal and provide copies to the board.

Sec. 86-111. - Demolition of a historic resource where a certificate of designation has been issued.

No certificate of appropriateness shall be issued for the demolition of a historic resource issued a certificate of designation unless the applicant demonstrates by the preponderance of the evidence that undue economic hardship or unusual and compelling circumstances support such a demolition.

- (1) *Unusual and compelling circumstances.*
 - a. *Criteria.* In situations where the applicant claims that unusual and compelling circumstances require the demolition of an individually designated historic resource the historic preservation board shall consider the following criteria:

1. The building or structure is of such interest or quality that it would reasonably meet national standards for additional designation on the National Register of Historic Places or as a National Historic Landmark.
 2. The building or structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
 3. The building or structure is one (1) of the last remaining examples of its kind in the city or the region.
 4. Retention of the building or structure would promote the general welfare of the city by providing an opportunity for the study of local history, architecture or design.
 5. Definite plans exist for reuse of the property if the proposed demolition is carried out, and if the plans will have a positive effect on the character of the surrounding area.
 6. A reasonable effort was made to relocate the building or structure.
 7. Demolition of the designated building or structure has been recommended or ordered by the appropriate public agency due to unsafe conditions.
- b. *Action by board.* On applications for certificates of appropriateness for demolition claiming an unusual and compelling circumstance, the board may approve, approve with conditions or deny the request or may suspend action to allow further study of the matter for a period not to exceed one hundred eighty (180) days from the date of the filing of the application. The length of the delay shall be determined by the board based upon the probable time required to arrange a possible alternative to demolition. During the stay of demolition, the board may take such steps as it deems necessary to preserve the building or structure concerned in accordance with the purposes of this chapter. Such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving the structure or building.
- (2) *Undue economic hardship.*
- a. *Criteria.* In situations where, by reason of particular site conditions and restraints or circumstances applicable to the property owner, strict enforcement of this chapter will deny the owner economically viable or reasonable use of a property, the applicant shall submit the following information to the historic preservation officer:
 1. For all property:
 - i. The amount paid for the property, the date of purchase and the party from whom the property was purchased.
 - ii. The assessed value of the land and improvements thereon according to the two (2) most recent county property appraiser's assessments.
 - iii. Real estate taxes for the previous two (2) years.
 - iv. Annual debt service, if any, for the previous two (2) years.
 - v. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 - vi. Any listing of the property for sale or rent, price asked and offers received.

vii. Any consideration by the owner as to profitable adaptive uses for the property.

2.

For income-producing property:

- i. Annual gross income from the property for the previous two (2) years.
- ii. Itemized operating and maintenance expenses for the previous two (2) years.
- iii. Annual cash flow, if any, for the previous two (2) years.

The board reserves the right to solicit expert testimony.

b. *Action by board.*

1. Review. The board shall review all evidence and information submitted by the applicant and make a determination as to whether the denial of a certificate of appropriateness for demolition will deprive the owner of reasonable use of, or economically viable return on, the property in question.
2. Denial. If the board decides that denial of the proposed action does not or will not deprive the owner reasonable use of or an economically viable return on the property, then the certificate of appropriateness for demolition will be denied.
3. Approval. In the event the board finds without approval of the proposed work all reasonable use of, or economic return from, a historic building or structure which has been issued a certificate of designation will be denied a property owner, then the application shall be delayed for a period not to exceed one hundred eighty (180) days from the date of filing of the application. During this period the board shall investigate alternatives to preserve the property. Such alternatives may include, but are not limited to a reduction in real property taxes, financial assistance, changes in zoning, public purchase, and/or code exemptions. If by the end of the period for the stay of demolition the board has found that, without approval of the demolition, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the board shall issue a certificate of appropriateness for demolition.

(3) *Documentation of buildings.* The board shall, as a condition to approval of such demolition, have the power to require the documentation of buildings slated for such demolition by photographs and measured drawings.

Sec. 86-112. - Maintenance of designated historic resources and demolition by neglect.

The owner of any historic resource, whether vacant or inhabited, shall be required to properly maintain and preserve such historic resource in accordance with standards set forth herein. For purposes of this article, demolition by neglect is defined as any failure to comply with the minimum required maintenance standards of this section or any other provisions of the Code of Ordinances relating to building maintenance, whether deliberate or inadvertent.

(1) *Required minimum maintenance standards.* It is the intent of this article to preserve from deliberate or inadvertent neglect, the historic resource, whether vacant or inhabited. All

such resources shall be maintained according to minimum maintenance standards, preserved against decay, deterioration and demolition and shall be free from structural defects through prompt and corrective action to any physical defect which jeopardizes the building's historic, architectural and structural integrity;

- (2) *Notice, administrative enforcement and remedial action.* If, in the opinion of the board, or the code enforcement officer, any historic resource falls into a state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity, and/or the safety of the public and surrounding structures, or fails to satisfy any of the required minimum maintenance standards above, then the aforementioned officials shall have right of entry onto the subject property and may inspect the subject property after forty-eight (48) hours' notice to the owner of intent to inspect.
 - a. In the event the property owner refuses entry of any city official onto the subject property, the city may file an appropriate action compelling the property owner to allow such officials access to the subject property for an inspection.
 - b. Upon completion of the inspection of the subject property, a report delineating the findings of such inspection, as well as any remedial action required to address any violation of the required minimum maintenance standards, shall be immediately transmitted to the property owner and to the board.
- (3) *Code enforcement action—Additional requirements.* In any proceeding of special magistrate involving a historic resource the special magistrate shall be instructed as follows:
 - a. That the subject of the code enforcement action is a historic resource and that these additional requirements apply to deliberations.
 - b. Every reasonable effort shall be made to stop and reverse any deterioration of the historic resource.
 - c. Demolition of a historic resource shall be ordered only in situations involving an immediate public safety risk and shall be required to meet the following conditions:
 1. A structural engineer, with a demonstrated knowledge and expertise in remediation of historic resources, determines that the structure cannot be reasonably repaired; and
 2. The historic preservation officer determines that there are no viable alternatives to demolition.
 - d. The board shall be notified, according to notification procedures herein, in advance of any code enforcement hearings regarding a historic resource.
 - e. The regulatory body may order remedial action by the city to prevent demolition by neglect, including, but not limited to roof repairs, moisture intrusion remediation or structural shoring. The procedure and cost of said action shall be as proscribed in section 2-60 of the City Code of Ordinances, including lien of the subject property to recover the city costs to protect the historic resource.
- (4) *Emergency conditions; designated properties.* In any case where it is determined that there are emergency conditions dangerous to life, health or property affecting a historic resource an order to remedy these conditions without the approval of the board or issuance of a required certificate of appropriateness may be issued, provided that the historic preservation officer and the chair of the board has been consulted. The building

official shall provide the board with adequate photographic evidence and a professional engineer's opinion as to the conditions warranting the demolition.

- (5) *Reconstruction.* A historic resource that is substantially destroyed by fire, storm or other hazard may be reconstructed accordance with the Secretary of the Interior's Standards. Notwithstanding the general requirements of the zoning district in which the resource is located, the reconstruction may be approved with the same setbacks, step backs and height from the finished floor as the resource it is replacing.

Secs. 86-113—86-140. - Reserved.

ARTICLE V. - EXCAVATION CERTIFICATE

Sec. 86-141. - Activities requiring certificate.

A certificate to excavate issued by the historic preservation board shall be required for proposed earth-disturbing activities that will have an adverse impact on any historic resource designated as archaeologically significant as provided for in article III of this chapter. No earth-disturbing activity may occur within the boundaries of a designated archaeological site until a certificate to excavate is issued by the board.

Sec. 86-142. - Determination of adverse impact.

The owner of a designated historic resource with archaeological significance shall confer with the historic preservation officer prior to any earth-disturbing activity within the established boundaries of a designated archaeological site. A determination shall be made by the historic preservation officer as to whether or not an application for a certificate to excavate is warranted. Said determination shall be based on whether or not there is a substantial adverse impact on the designated resource and the potential for future impacts as a result of the proposed action. The historic preservation officer may request the following information to assist in making the determination:

- (1) Site plans, including landscape plans, where applicable.
- (2) A description of any earth-disturbing activity associated with the project, including depth of excavation and area of coverage.
- (3) Any other information required by the historic preservation officer deemed necessary for making an accurate determination.
- (4) An archaeological test survey, conducted by a professional archaeologist who meets the professional qualification standards as defined by 36 CFR 61 and the Florida Department of State, Division of Historical Resources, to further evaluate the extent and significance of archaeological deposits.

If the historic preservation officer makes a determination that the proposed activity will have a substantial adverse impact on a designated archaeological site, an application for a

certificate to excavate must be filed with the historic preservation officer. If a determination of no substantial adverse impact is made, the project may proceed without action from the board.

Sec. 86-143. - Application.

Application to the historic preservation board for a certificate to excavate shall be made on a form supplied by the historic preservation officer. Said application shall be filed with said officer upon the determination made by the historic preservation officer as outlined in section 86-142. Applications shall be accompanied by full plans and specifications indicating areas of work that involve earth-disturbing activity. Also, a notarized authorization allowing such activity by the owner shall be provided, if the applicant is other than the owner or attorney for the owner.

Sec. 86-144. - Public hearing and notice of proposed certificate.

The historic preservation board shall hold a public hearing within sixty (60) days after the filing of the application for a certificate to excavate with the historic preservation officer and after due public notice for each application for a certificate to excavate. The board shall also send by certified mail a notice of the proposed certificate to excavate to the owner at least thirty (30) calendar days prior to the date of public hearing, or the owner shall otherwise acknowledge notice to the historic preservation officer. At the public hearing, the historic preservation officer shall recommend approval, denial or approval with conditions of the certificate to excavate. The historic preservation officer shall transmit to the owner his recommendations on the application prior to the public hearing.

Sec. 86-145. - Action by historic preservation board.

After the public hearing, the historic preservation board shall approve, deny or approve with conditions each application for an excavation certificate. Copies of the decision shall be mailed to the applicant and the property owner within ten (10) days of the decision. Unless appealed, the decision of the board shall be the final administrative decision. After the issuance of a certificate to excavate, no change may be made in the proposed work without resubmittal of an application.

Sec. 86-146. - Mitigation of adverse impacts.

The historic preservation board shall not approve any application for a certificate to excavate that does not provide for the mitigation of adverse impacts on a designated historic resource with archaeological significance. Upon receipt of a complete application, the board shall review the proposed project to determine the type of archaeological work that is necessary to mitigate the adverse impact of the proposed earth-disturbing activity on the affected archaeological resource. After receiving a complete application, a decision shall be made by the board as to the type of mitigation method appropriate for the project. The board shall select one (1) or more of the following alternatives:

- (1) *Site monitoring.* This method includes the visual inspection of a property by the historic preservation officer and/or a professional archaeologist for evidence of artifacts or structural remains unearthed during the development process or earth-disturbing activity. If significant archaeological deposits are unearthed during project-related activity, work may be halted by the board, with the recommendation for such action from the historic preservation officer or a professional archaeologist, for a period not to exceed one hundred eighty (180) days from the date of the filing of the application. This time delay may be used to conduct any necessary archaeological work. At the end of the delay, the applicant will be allowed to continue the project as planned.
- (2) *Subsurface testing.* This method includes limited sampling prior to the development process. Work of this nature must be conducted and/or supervised by a professional archaeologist. In situations where additional effort is warranted, the board may request the applicant to conduct full-scale excavation and/or in-situ preservation.
- (3) *Full-scale excavation.* If the area to be adversely impacted by the proposed project contains significant archaeological deposits as determined through documentary records and/or subsurface testing, a full-scale excavation may be warranted. This action requires a team supervised by a professional archaeologist. The time required for excavation will depend on the type and size of site, extent of soil disturbance, definition of the site made during the excavation, and weather conditions, but shall not exceed three hundred sixty-five (365) days in duration.
- (4) *In-situ preservation.* This method should be utilized, if feasible, as an alternative for full-scale excavation in projects that involve significant archaeological deposits. In-situ preservation is defined as maintaining the archaeological site in an undisturbed state at its present location such as through an easement, preserve, passive park or designated open space area, or by sealing the site under pavement and/or fill. Specific boundaries are identified and all development activity and earth-disturbing activity occurs outside of the identified boundaries.

Sec. 86-147. - Reporting requirements for archaeological work.

Any person conducting archaeological work in accordance with this chapter shall complete a Florida Site File form and a written report that meets the guidelines of the Florida Department of State, Division of Historical Resources. A copy of the Florida Site File form and the report will be provided to the historic preservation board and the Florida Department of State, Division of Historical Resources prior to the issuance of a certificate to excavate.

Sec. 86-148. - Assistance with costs of archaeological work.

The historic preservation board may assist the applicant in obtaining funding or volunteer assistance for archaeological work.

Sec. 86-149. - Correlation with other permits.

A certificate to excavate shall be considered prerequisite to the issuance of any other permits required by ordinance of the city. The issuance of a certificate to excavate shall not relieve the applicant from obtaining other permits or approvals required by the city.

SECTION 2. 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, 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 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 re-lettered to accomplish such intention.

SECTION 4. 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. The City will not begin the enforcement of the standards and requirements relating to vacation rentals set forth in Article 3 of this Ordinance until April 1, 2016, or until such later date as the date registration is required if such date is extended by notice on the City's website.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this ____ day of _____, 2017.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Brian Seymour, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner

Doug Copeland, Chairman

I hereby approve this Resolution:

Dan Murphy, Mayor

_____, 2017

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

RESOLUTION NO. R17-727**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, ESTABLISHING SALARY RANGES (BRACKETS) FOR CITY EMPLOYEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Anna Maria has determined that it is in the best interest of the City and its citizens and employees to establish certain salary ranges (brackets) for the various categories of City employees; and

WHEREAS, the City has researched the salaries paid to the employees of other similar cities to assist in the determination of the appropriate salary ranges (brackets) to be established for the various categories of employees of the City of Anna Maria; and

WHEREAS, the City Commission finds it in the best interest of the City of Anna Maria and its citizens to formally establish salary ranges (brackets) for the various categories of City employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, AS FOLLOWS:

SECTION 1. The City of Anna Maria formally adopts the City of Anna Maria Salary Ranges (Brackets) for City Employees, a copy of which is attached hereto as Exhibit "A".

SECTION 2. 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 _____, 2017.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Brian Seymour, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner

Doug Copeland, Chairman

I hereby approve this Resolution:

Dan Murphy, Mayor

_____, 2017

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

Exhibit A

City of Anna Maria Employment Salary Ranges

Administration

City Clerk/Treasurer	\$ 85,000.00	-	\$ 140,000.00
Deputy Clerk/Treasurer	\$ 41,600.00	-	\$ 64,480.00
Administrative Specialist Float I	\$ 24,900.00	-	\$ 33,280.00
Administrative Specialist Float II	\$ 34,320.00	-	\$ 41,600.00
Administrative Specialist I	\$ 24,900.00	-	\$ 33,280.00
Administrative Specialist II	\$ 34,320.00	-	\$ 41,600.00
Administrative Specialist III	\$ 43,680.00	-	\$ 54,080.00

Code Enforcement/Building Department

Code Enforcement & Building Manager	\$ 66,560.00	-	\$ 85,280.00
Code Enforcement & Building Assistant Manager	\$ 41,600.00	-	\$ 64,480.00
City Planner	\$ 69,000.00	-	\$ 97,600.00
Building Official	\$ 46,800.00	-	\$ 72,800.00
Building Inspector	\$ 46,800.00	-	\$ 72,800.00
Permit Tech I	\$ 27,040.00	-	\$ 37,440.00
Permit Tech II	\$ 37,440.00	-	\$ 45,760.00
Sr. Permit Tech	\$ 45,760.00	-	\$ 54,080.00
Building Permit Coordinator	\$ 27,040.00	-	\$ 35,360.00
Code Enforcement I	\$ 31,200.00		\$ 39,520.00
Code Enforcement II	\$ 39,520.00	-	\$ 47,840.00
Code Enforcement & Parking I	\$ 35,360.00	-	\$ 41,600.00
Code Enforcement & Parking II	\$ 41,600.00	-	\$ 47,840.00
Code Enforcement, Parking and Permit Tech I	\$ 35,360.00	-	\$ 41,600.00
Code Enforcement, Parking and Permit Tech II	\$ 41,600.00	-	\$ 47,840.00
Parking I	\$ 27,040.00	-	\$ 41,600.00
Parking II	\$ 43,680.00	-	\$ 54,080.00

Public Works

Public Works Manager	\$ 43,680.00	-	\$ 66,560.00
Assistant Public Works Manager	\$ 33,280.00	-	\$ 43,680.00
Public Works Service Worker I	\$ 27,040.00	-	\$ 35,360.00
Public Works Service Worker II	\$ 35,360.00	-	\$ 43,680.00
Public Works Service Worker III	\$ 43,680.00	-	\$ 54,080.00

Stormwater

Utility Technician I	\$ 27,040.00	-	\$ 35,360.00
Utility Technician II	\$ 35,360.00	-	\$ 43,680.00
Utility Technician III	\$ 43,680.00	-	\$ 54,080.00

ORDINANCE NO. 17-831

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, CREATING A NEW ARTICLE III, “FORMULA RETAIL AND FORMULA COMMERCIAL ESTABLISHMENTS”, OF CHAPTER 18, “BUSINESSES” OF THE CODE OF THE CITY OF ANNA MARIA; PROVIDING FOR FINDINGS OF FACT; PROVIDING DEFINITIONS; PROHIBITING FORMULA RETAIL AND FORMULA COMMERCIAL ESTABLISHMENTS IN THE CITY; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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

SECTION 1. Chapter 18, “Businesses” of the Code of Ordinances of the City of Anna Maria is hereby amended by the addition of a new Article III, “Formula Retail and Formula Commercial Establishments”, to read as follows:

ARTICLE III. FORMULA RETAIL AND FORMULA COMMERCIAL ESTABLISHMENTS

Sec. 18-50. Authority, Scope and Purpose

This article is enacted under the home rule power of the City of Anna Maria pursuant to Chapter 166, Florida Statutes, in the interest of the health, peace, safety and general welfare of the City and its residents, businesses and visitors. The purpose of this article is to preserve to the extent possible the unique charm, ambiance, and “Old Florida” atmosphere of the City of Anna Maria.

Sec. 18-51. Findings of Facts

Based on information presented at various city commission meetings by residents of Anna Maria and owners and operators of businesses in Anna Maria, and the practical first-hand experience and observations of city commissioners, common sense deductions of city commissioners based on long term experiences in Anna Maria, information learned by city commissioners from various residents and visitors, as well as evidence and testimony presented at public hearings before the city commission, the city commission finds:

- 1) The City is home to both full-time and part-time residents and is also a destination for tourism.
- 2) The City is particularly attractive to both residents and visitors alike due in part to having a non-commercialized “Old Florida” atmosphere where there are virtually no national “chain” type establishments a/k/a Formula Retail or

Formula Commercial Establishments that are typical to most commercial areas nationwide.

- 3) This trait is an important part of the City of Anna Maria's charm, positive image and desirability both to its residents and visitors alike.
- 4) The absence of Formula Retail Establishments is an important part of the City's charm, desirability and economic viability, along with the fact that the City's commercial/retail areas are made up primarily of small locally unique establishments.
- 5) The potential of Formula Retail Establishments locating in the City of Anna Maria poses a genuine threat to the City's established character and the economic health of its commercial and residential districts.
- 6) The regulation in this article is the only solution that will adequately protect the economic vitality of the City's commercial areas, and this regulation is necessary to protect the economic viability of the City's commercial areas and residential neighborhoods and preserve and enhance the charm and small beach town atmosphere that is recognized as a unique characteristic of the City that makes it an attractive place to live, work and visit.

Sec. 18-52. Definitions

The following definitions shall apply to this article:

1. **Color Scheme.** Color scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.
2. **Décor.** Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.
3. **Development, development activity.** Development or development activity shall be defined as provided in Section 380.04, Florida Statutes, and includes but is not limited to renovations, conversions, building permits, site plans, development orders, demolition permits, etc.
4. **Façade.** Façade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.
5. **Formula Retail or Formula Commercial Establishment.** A Formula Retail or Formula Commercial Establishment are defined as types of retail sales or commercial service activity or retail sales or commercial service establishment that has three or more other retail sales or commercial establishments in

operation, or with entitlements already approved, located anywhere in the world. In addition to the three establishments either in operation or with entitlements approved for operation, the business maintains two or more of the following features: a Standardized Array of Merchandise, a standardized Facade, a standardized Decor and Color Scheme, Uniform Apparel, standardized signage, a Trademark, or a Servicemark.

6. **Servicemark.** Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.
7. **Standardized Array of Merchandise.** Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
8. **Trademark.** Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
9. **Uniform Apparel.** Uniform Apparel shall be defined as standardized items of clothing including, but not limited to, aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized use of colors of clothing.

Sec. 18-53. Prohibition of Formula Retail and Formula Commercial Establishments

Formula Retail Establishments and Formula Commercial Establishments are prohibited in the city limits of the City of Anna Maria. No development order shall be issued for the purpose of development or development activity furthering the establishment of a Formula Retail Establishment or Formula Commercial Establishment within the city limits of the City of Anna Maria.

SECTION 2. 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 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 re-lettered to accomplish such intention.

SECTION 4. 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 _____, 2017.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Brian Seymour, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner

Doug Copeland, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor
_____, 2017

ATTEST:

Diane Percycoe, City Clerk

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

Gretchen R. H. "Becky" Vose
City Attorney



City of Anna Maria

MINUTES CITY COMMISSION BUDGET WORKSESSION MEETING JULY 13, 2017 – 4:30 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 Copeland called the meeting to order at 4:30 p.m.

ROLL CALL

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

Others Present: City Clerk LeAnne Addy, Deputy City Clerk Debbie Haynes, City Attorney Becky Vose, and the Islander.

PLEDGE TO THE FLAG

WORK SESSION

1. FY 2017-2018 Budget Review and Discussion

Mayor Murphy stated that at year end in September, 2016, the reserves were 59%. He is proposing that the millage rate stay at 2.05 which would be an increase in Ad Valorem of \$268,555.00.

Mayor Murphy stated that he will be discussing the Code Enforcement and the Building Department Budgets at tonight's meeting.

Mayor Murphy started with the Building Department Revenues stating that the Building Permit amount budgeted is on the conservative side but that is alright. He went on to say that the revenue for Planning Fees increased but with Robin here, we are charging the fees necessary now which caused for the increase. He stated that he put \$115,335.67 in the Building Department carryover which is estimated revenue left over at year end that belongs in the Building Department.

Mayor Murphy then discussed the Building Department Expenditures. He stated that the increase seen in the Wages and Salaries of 125% was due to moving George McKay full-time into the Building Department and adding a new Building Inspector. He stated that there was a decrease for the Contracted Planner as Robin Meyer works for less than what the City was paying. The Professional Services is the City Engineer and that was increased slightly as she has been doing some things with the Stormwater. He discussed that the Rents and Leases was increased due to the Building Department moving down to the Annex and now sharing the rent costs with the Code Enforcement. The Attorney fees have decreased based off of a decrease in lawsuits. Operating Expenses were up just slightly due to some upgrades in computer software. The Building Contingency was added to balance out the funds for the Building Department.

Mayor Murphy then went on to the Code Enforcement Expenditures. He stated that he needed to discuss the expenses first to determine the Code Enforcement Revenues. He stated that the Wages & Salaries have been increased due to Pam's increase in roles and moving of the contracted employees to regular employees. The Professional Services is for the Special Assessment. He also stated that the Attorney Fees have decreased 64% as we are not getting as many Bert Harris claims in any longer. The Operating Expenses were up due to the original set-up of the Code Enforcement Department. He added \$40,000 in contingency in the case there would be any additional lawsuits. He stated that 20% of the Expenditures equals Code Enforcement BAU (Business as Usual), 25% equal Vacation Rental VAU, and 55% equal Building Department. The percentages were surveyed by Pam's Department as to what they are actually doing. The revenues for Code Enforcement are the percentage amounts as listed on the Expenditure worksheets. Vacation Rental Registration Fees \$113,544.97, Building Department Revenue \$249,798.92, and Ad Valorem \$90,835.97. This is a total of \$454,179.86.

Mayor Murphy discussed that the City Clerk LeAnne Addy has done a Wage & Hour survey to compare it with other cities with some being very similar in nature. He stated that this offers a place for employees to improve themselves and add more functions. He stated that most of the employees fall under the first column which is on the lower end. He stated that this would have to be approved by a Resolution so he will have Becky draft one.

Public Comment -Press Comment
None.

Adjournment

Motion: Motion to adjourn at 5:00 p.m.

Action: Motion by Commissioner Yetter, seconded by Commissioner Carter.
Motion passed unanimously.

LeAnne Addy, City Clerk/Treasurer

Minutes Approved: _____



CITY OF ANNA MARIA

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

MINUTES JULY 13, 2017 – 6:00 P.M. CITY COMMISSION SPECIAL MEETING

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

PLEDGE TO THE FLAG

ROLL CALL

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

Others Present: City Clerk LeAnne Addy, Deputy City Clerk Debbie Haynes, City Attorney Becky Vose, Islander and Sun.

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
2. Bert Harris – Vose

City Attorney has four Bert Harris recommendations for the Commission to approve tonight.

Action: To approve the four Bert Harris counteroffers as recommended by the City Attorney Becky Vose.

Motion: Motion by Commissioner Carter, seconded by Commissioner Woodland.

On roll call vote, the motion passed 3-1, Commissioner Yetter, opposed.

3. 2015-2016 FY Audit Final Update – Randy Dillingham

Randy Dillingham presented the 2015-2016 FY Financial Statements. He stated that the City's financial position is in good standing and the reserve amount is \$2,415,449.00. He discussed some items from the financial statements. He stated that the Internal control and compliance is also part of the financial package so that is a clear report. Management letter that is required by the Auditor General is part of that as well. There were a couple comments this year. Management has provided a response on page 41. After talking with LeAnne, some of the changes have already been made. Permit testing was done and the city is to put in additional controls.

Joe Hendricks asked if this audit was with the former administration or the current.

Mayor Murphy responded that it was the former administration.

4. Ordinance 17-830 – Historic Preservation – Vose

City Attorney Becky Vose read the title for Ordinance 17-830 – Historic Preservation.

Mayor Murphy stated that he would like this continued and would propose to you to have the Mayor and the City Planner Robin Meyer to schedule a meeting to get the public input. They will receive the input and bring it back. He will put the public meeting on the website, send it to the media, and have it posted.

Jon Crane who resides on North Shore would like to be notified.

Chair Copeland stated that we will continue it on July 27, 2017.

Commissioner Carter stated that being the liaison for the Historical Society she feels that the Historical Society should be addressed more this this ordinance.

Motion: To continue Ordinance 17-830 – Historic Preservation to July 27, 2017.

Action: Motion by Commissioner Woodland, seconded by Commissioner Carter.

On roll call vote, the motion passed unanimously.

5. Ordinance 17-832 – Amending Chapter 66 and Chapter 38 Watercraft and Parks and Recreation – Vose
City Attorney Becky Vose read the title for Ordinance 17-832 – Amending Chapter 66 and Chapter 38 Watercraft and Parks and Recreation.

Sergeant Schnering stated that this has been coming together with safety he feels this is a good ordinance and beneficial. He is excited about this.

City Attorney Becky Vose stated that she added the definition of Lake LaVista Inlet.

Motion: To approve Ordinance 17-832 – Amending Chapter 66 and Chapter 38 Watercraft and Parks and Recreation.

Action: Motion by Commissioner Carter, seconded by Commissioner Woodland.

On roll call vote, the motion passed unanimously.

Chair Copeland asked if the Commissioners would like to move forward taking this to the state to get signage out in the water. The consensus stated to have City Planner Robin Meyer to move forward on this.

6. City Pier Park Update – Mayor

Mayor Murphy stated that we have had many structures come forth for the City Pier Park. The Sail Shade is one that is being looked at and can be used for the events that we have been having at the park. You can have a portable stage, tables, chairs and etc. underneath such structure. He is proposing navy blue and off white as the sail color. He stated that the cost for 2500 square feet in the amount of \$100,000. He asked the media to post this in their paper stating that we are looking for public comment on this during the next couple weeks.

Chair Copeland is excited about the proposed sails. He stated that the 4th of July event was a success because of the tents due to the heat. He hopes that the public is in favor of this.

The Commissioners liked the fact that it was movable if you needed.

Lynn Brennan who resides at 119 Oak Avenue asked if we could post the website.

Mayor Murphy stated that City Clerk LeAnne Addy will send the information to the media and will post it on our website.

Bianca from the Islander asked if that would be a project out of the Beach Concession Fund?

Chair Copeland stated that the money will be coming out of Contingency Account and the Six Lots/Pier Park Improvement Account.

Mayor Murphy stated that he would like to move forward with this project as our next event will be an Old Soldiers and Sailors Parade, with a bank, refreshments.

Chair Copeland stated that our staff, LeAnne, Debbie, Kathy and Dean planned this event and it was success. He stated that John and Taylor from Public Works were a great help as well. Barbara Murphy, LeAnne and Debbie's husbands, and his wife also volunteered. He wanted to thank everyone for helping.

7. City Pier RFP Update – Mayor

Mayor Murphy stated that he and the City Planner Robin Meyer will be meeting on Tuesday next week with McLauren Engineering.

8. Lobbyist Report – Mayor

Mayor Murphy stated that they have proposed some legislature regarding vacation rentals being used as commercial use. He stated that this will put us on the defensive.

Florida League of Cities will be holding a meeting in Orlando on August 17-19 regarding the Home Rule.

The Commissioners support the legislature.

9. Mayor's Comments

Mayor Murphy stated that we are conducting an audit of the Community Center and they are being cooperative with receiving the documents.

10. Commissioners Comments

None.

11. City Attorney Comments

None.

12. Staff Comments

None.

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. Approve Minutes: Regular Meeting 6/22/2017 and Emergency Meeting 7/3/2017
- b. Authorization for Mayor to sign the Agreement with Conlon & Jackson Concrete, Inc., Sidewalk Improvement – Mayor

Action: To approve the consent agenda.

Motion: Motion by Commissioner Yetter, seconded by Commissioner Carter.

On roll call vote, the motion passed unanimously.

Press Comment

None.

Adjournment

Chair Copeland adjourned the meeting at 6:43 p.m.

LeAnne Addy, City Clerk/Treasurer

Minutes Approved: _____

Manatee County Sheriff's Office

Anna Maria Island Unit

BI-WEEKLY ACTIVITY REPORT

June 11th, 2017 thru June 24th, 2017

UCR Crimes:

The Year to Date (YTD) UCR Part 1 Crime totals for 2017 stands at 26, which is down 13% when compared to 30 during this same time period last year. We had 2 UCR crimes reported for this period. Both crimes were from an incident that occurred at Galati's Marina. Three juvenile males drove there during the early morning hours of 6/14/17 and entered multiple boats, trying to drive one away from the dock. A fire extinguisher was taken from the marina as well. The crimes are currently being investigated by MSO detectives.

Rape: **0**

Robbery: **0**

Agg. Assaults: **1**

Non-residential Burglaries: **0**

Residential Burglaries: **2**

Vehicle Burglaries: **7**

Larcenies (Theft): **14**

Vehicle Thefts: **2**

Total: 26

MANATEE COUNTY SHERIFF'S OFFICE

Report to the Anna Maria City Comm.

Report Dates From 6/11/2017 - 6/24/2017

Statistical Data	Totals
U.T.C's	15
Summons	2
Warning	14
Parking	47
Report Entry	20
No Reports	1355
Initiated	1292
Dispatched	83
Training	8
P.R.'s	377
Assists	76
Mileage	2568
Building Checks	391
ATV/Bike Patrol	185
Patrol/Walk	359
Alcohol Violations	162

Prepared By: Sgt. R. Schnering, MCSO
Enforcement Bureau / District 2
Anna Maria Island Unit / District 5

Cc: Captain S. Schaeffer
Lieutenant L. Licata
AMI Unit Deputies
File

Manatee County Sheriff's Office
Anna Maria Island Unit

BI-WEEKLY ACTIVITY REPORT

June 11th, 2017 thru June 24th, 2017

UCR Crimes:

The Year to Date (YTD) UCR Part 1 Crime totals for 2017 stands at 30, which is down 14% when compared to 35 during this same time period last year. We had 4 UCR crimes reported for this period. One crime occurred when a license plate was stolen from a vehicle, another was of a bicycle taken from a carport. That bicycle was recovered in Holmes Beach and the victim declined to prosecute at this time. The other two crimes were two separate incidents of shoplifting/retail theft involving the same suspect.

Rape: **0**

Robbery: **0**

Agg. Assaults: **1**

Non-residential Burglaries: **0**

Residential Burglaries: **2**

Vehicle Burglaries: **8**

Larcenies (Theft): **17**

Vehicle Thefts: **2**

Total: 30

MANATEE COUNTY SHERIFF'S OFFICE

Report to the Anna Maria City Comm.

Report Dates From 6/25/2017 - 7/8/2017

Statistical Data	Totals
Felony	2
U.T.C's	8
Warning	13
Parking	57
Report Entry	22
No Reports	1548
F.I.'s	1
Initiated	1474
Dispatched	96
P.R.'s	354
Assists	91
Mileage	2565
Building Checks	497
ATV/Bike Patrol	286
Patrol/Walk	362
Alcohol Violations	375

Prepared By: Sgt. R. Schnering, MCSO
Enforcement Bureau / District 2
Anna Maria Island Unit / District 5

Cc: Captain S. Schaeffer
Lieutenant L. Licata
AMI Unit Deputies
File

CITY OF ANNA MARIA

July 18, 2017

TO: Mayor and Commissioners

FROM: Pamela Gibbs
Building & Code Enforcement Manager

RE: Report on Code Enforcement & Parking from June 15, 2017 thru
July 18, 2017

Number of Courtesy Notices sent: 10

Number of Vacation Rentals Applied for: 6

Number of inspections for real estate signs: 6

Number of Parking Tickets Issued: 906

Number of Parking Tickets Paid: 742

Number of Misleading Advertising: 1

Number of unregistered vacation rentals: 2

Number of potty/dumpsters/construction material in Right of way: 7

Number of complaints for work without Building Permits: 24

Amount of citation money collected since 10-01-15: \$9,550.00

Number of Notice for the Special Magistrate: 0

Total number of Inspections and re-inspections: 149

Sheriff reported: 13 noise complaints See Attached.

Pamela Gibbs - City of AnnaMaria

From: Cudzilo, LeAna <Leana.Cudzilo@manateesherriff.com>
Sent: Monday, July 10, 2017 12:00 AM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: NOISE COMPLAINT

Date and time: 07-09-2017 10:19PM

Location: 312 Hardin Avenue

Event: S1707091016

Caller: Denise Freidman 941-224-6134

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with Eric Clark 423-416-1095 whom is visiting from the Tennessee with his family. They are renting the home until (July 15th). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

Pamela Gibbs - City of AnnaMaria

From: Cudzilo, LeAna <Leana.Cudzilo@manateesherriff.com>
Sent: Wednesday, July 19, 2017 1:40 AM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: NOISE COMPLAINT

Date and time: 07-18-2017 10:53 PM

Location: 213 Periwinkle Plz

Event: S1707181410

Caller: Linda 941-251-7668

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with Becky Moody 859-582-2245 whom is visiting from Kentucky with her family. They are renting the home until (July 22nd). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

692-777

Pamela Gibbs - City of AnnaMaria

From: Cudzilo, LeAna <Leana.Cudzilo@manateesherriff.com>
Sent: Sunday, July 16, 2017 11:21 PM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: PASS ON

Date and time: 07-16-2017 10:18PM

Location: 230 Oak Avenue

Event: S1707160956

Caller: Joyce Wagner 708-601-4884

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with Dimtry Prusakov 612-501-8766 whom is visiting from the Minnesota with his family. They are renting the home until (July 22nd). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

City of Anna Maria
Code Enforcement Department
307 Pine Ave, P.O. Box 779, Anna Maria, FL 34216-0779

Date: July 10, 2017
Case Number: 17-000902

Courtesy Notice for Noise Complaint

AMI Assets LLC
2519 McMullen Booth Rd 510-307
Clearwater, FL 33761-4173

RE: 404 South Bay Boulevard , Anna Maria, FL 34216

Dear: AMI Assets LLC

On July 9, 2017, your property listed above was found to be in violation of the following Sections of the code:

Sec. 26-90 Noise disturbance

At 7/9/2017 10:31 PM a complaint was filed with the Manatee County Sheriff's Office and a deputy was dispatched to your property. Below is what transpired on that call:

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with Jennifer Stokley 404-862-0287 whom is visiting from the Atlanta with her family. They are renting the home until (July 15th). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

Please be advised that three or more violations of the Ordinance which occurs at the same premises within a twelve month period shall be deemed prima facia evidence that the premises is a public nuisance.

If you have any questions you are welcome to call our office at: 941-708-6132 x129.

Please govern yourself accordingly.



Pamela Gibbs
Code Enforcement Manager

Pamela Gibbs - City of AnnaMaria

From: Cudzilo, LeAna <Leana.Cudzilo@manateesherriff.com>
Sent: Sunday, July 09, 2017 1:21 AM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: NOISE COMPLAINT

Date and time: 07-08-2017 11:045 PM

Location: 305 Hardin Avenue

Event: S1707081007

Caller: Don Buswell-Charkow 407-810-6301

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with William (Billy) Quinn 678-758-5843 whom is visiting from the Georgia with his family. They are renting the home until (July 15th). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

Pamela Gibbs - City of AnnaMaria

From: Kiernan, Matthew <Matthew.Kiernan@manateesherriff.com>
Sent: Sunday, July 02, 2017 4:28 PM
To: Pamela Gibbs - City of AnnaMaria
Cc: Schnering, Russell
Subject: RE: Noise 307 Tarpon Street

See revised, my bad.

From: Kiernan, Matthew
Sent: Sunday, July 02, 2017 4:24 PM
To: 'Pamela Gibbs - City of AnnaMaria'
Cc: Kiernan, Matthew; Schnering, Russell
Subject: Noise 307 Tarpon Street

Event #	S1707020610
Date and time:	07/02/2017 0717 Hours
Location:	305 Tarpon Street
Offender/Point of Contact:	Omar Moreno 941.545.0193
Complainant:	Mary Manion

Synopsis:

MSO received a noise complaint/construction noise for the above location. I arrived and found several construction workers present. Omar explained they were in the process of removing old paver bricks, and installing the new paver bricks already on scene. I educated Omar as well as directed him to cease the construction per AM ordinance. The construction crew were departing as I cleared the scene. No further action was taken or warranted.

Respectfully,

Matt Kiernan
Deputy Sheriff
Manatee County Sheriff's Office
District Five-AMI
IPMBA Member

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

Pamela Gibbs - City of AnnaMaria

From: Manning, Patrick <Patrick.Manning@manateesherriff.com>
Sent: Sunday, July 02, 2017 5:19 PM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: Loud music

Sergeant,

Date and time: 07/02/2017 at 15:51 hours
Location: 305 Crescent Dr.
Event #: S1707020610
Caller: Susanne Pollock 520-468-1196



Dispatched to a loud music call at listed location. Upon arrival no music was heard, the renter (Cori Wortman 813-277-8185) was spoken to and she said the music was lowered just prior to my arrival. I educated her on the local laws in the city of Anna Maria and then cleared with a verbal warning.

Deputy Patrick J. Manning
District 5 / Anna Maria Island
10005 Gulf Dr. Anna Maria Island 34216
941-708-8899
Manatee County Sheriff's Office
Bradenton, FL

7/3/17
Anna Maria - Patrick Manning



Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

Pamela Gibbs - City of AnnaMaria

From: Kiernan, Matthew <Matthew.Kiernan@manateesherriff.com>
Sent: Thursday, June 22, 2017 10:46 AM
To: Pamela Gibbs - City of AnnaMaria
Cc: Schnering, Russell; Kiernan, Matthew
Subject: Noise Complaint 12103 Gulf Drive

Event #	S1706220248
Date and time:	06/21/2017 0729 Hours
Location:	12103 Gulf Drive
Offender/Point of Contact:	Trees by breeze 941.778.2837
Complainant:	Nate Coleman

Synopsis:

Coleman summoned MSO concerning a loud noise complaint (lawn blower) at 0729 hours. He reported the violation had occurred at 0700 hours. I arrived a short time after being dispatched. I found a landscaping company (Trees by breeze) in the area. One of the employees confirmed they started at 0700 hours. No further action was warranted or taken.

Respectfully,

Matt Kiernan
Deputy Sheriff
Manatee County Sheriff's Office
District Five-AMI
IPMBA Member

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

~~Pamela Gibbs - City of AnnaMaria~~

From: Stewart, Steven <Steven.Stewart@manateesherriff.com>
Sent: Tuesday, June 20, 2017 9:46 AM 8:45 AM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: Noise Complaint

From: Steven J. Stewart
Sent: 6/20/2017
To: Schnering, Russell
Cc: Pamela Gibbs – City Of Anna Maria
Subject: Noise complaint at 223 Willow Ave
Complainant: Hampton Stephens
Home Owner: Jim Hug

Synopsis: I received a noise complaint located at 223 Willow Ave, the caller stated he could hear a recording of a bird screeching. I arrived and walked around back to the CANAL side where I could hear a recording of a bird. I spoke to the owner of the home via phone door camera. The home owner Jim Hug, said he uses the recording to scare away other birds from his porch area. Jim said he would send his neighbor over to turn it off.

Deputy Stewart

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Pamela Gibbs - City of AnnaMaria

From: Cudzilo, LeAna <Leana.Cudzilo@manateesherriff.com>
Sent: Tuesday, June 20, 2017 1:49 AM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: NOISE COMPLAINT

Date and time: 06-20-2017 1:21 AM

Location: 306 Poinsettia Road

Event: S1706200054

Caller: Mike Knezevich 219-746-1070

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with Josh Weir 931-801-5835 whom is visiting from the Tennessee with his family. They are renting the home until (June 25th Josh Weir 931-801-5835). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

8:39 am
Called 216-3793
LMTCB

Pamela Gibbs - City of AnnaMaria

From: Leach, Amy <Amy.Leach@manateesherriff.com>
Sent: Friday, June 16, 2017 7:21 PM
To: Schnering, Russell; Pamela Gibbs - City of AnnaMaria
Subject: 76 construction noise

Event # S1706160952
Complainant: Camille Collier 813-728-3759
Offender: Gagne construction 941-778-3215
Time and date: 17:38:54 06/16/2017
Address of offense: 516 Kumquat Dr

I was dispatched to the listed address under construction, the workers had left for the day, and left a large generator running on the rear side of the property that is very loud. You can hear it from the road. I called both numbers for Gagne construction to come and turn it off, that the construction times are very specific. I am waiting for someone to arrive or call me back.

Dispatch has now called as well, no call back and no has arrived.

Contacted Sgt Schnering, no new numbers. Contacted owner of pump, Donnie, 727-518-9191 and he instructed me how to turn the pump off. He stated they leave pumps running all the time, and never have a problem. He will contact the contractor and let him know what happened.

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Pamela Gibbs - City of AnnaMaria

From: Leach, Amy <Amy.Leach@manateesherriff.com>
Sent: Friday, June 16, 2017 11:40 PM
To: Schnering, Russell; Pamela Gibbs - City of AnnaMaria
Subject: 76

Event: S1706161273
Complainant: Deseree 813 388 0444
Offender: Paul Canbranos 407 460 0225
Time and date: 23:20:12 06/16/17
Address of violation: 114 Mangrove Av

I was called to the intersection of Mangrove and Gulf, to possibly 2 houses from there for a noise violation. When I drove down Mangrove with my windows down, I could clearly hear very loud party noises, and music. I found the violation at a pool at the listed address. I issued the verbal warning, and explained the ordinance to the parties. The asked if they could stay in the pool, and I explained it is very hard to remain silent while in the pool. It would be better to go inside. It was obvious the parties had been drinking alcohol. They were very compliant and agreeable, however I feel I will probably be back.

Note: Florida has a broad public records law. All work-related emails sent to or from this email address may be subject to public disclosure.

Reported to
Kristina
at Island
RE

Pamela Gibbs - City of AnnaMaria

From: Cudzilo, LeAna <Leana.Cudzilo@manateesherriff.com>
Sent: Friday, June 16, 2017 12:41 AM
To: Schnering, Russell
Cc: Pamela Gibbs - City of AnnaMaria
Subject: NOISE COMPLAINT

Date and time: 06-16-2017 12:22 AM

Location: 404 Magnolia Avenue

Event: S1706160023

Caller: Thomas Apofpors 941-704-3399

Upon arrival on scene, I could hear multiple people talking & laughing on the back porch & splashing in the pool. I made contact with Steven Eugene Sneller (605-214-9055) whom is visiting from the South Dakota with his family. They are renting the home until (June 18th). I educated them of the noise ordinance laws in Anna Maria and fine system. A verbal warning was issued. The parties decided to end their outside conversation and go inside for the evening.

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Pending Permits by Type

Permit Type	Permit#	Sub Type
0-30Days		
Accessory Structure Permit	10	
	ACC17-000139	Pools
	ACC17-000140	Docks, Marine Use Pilings
	ACC17-000144	Pools
	ACC17-000148	Pools
	ACC17-000155	Pools
	ACC17-000156	Demolition (Structure)
	ACC17-000159	Pools
	ACC17-000160	Fence
	ACC17-000161	Fence
	ACC17-000162	Pools
Residential Building Permit	3	
	B17-000055	Minor Exterior
	B17-000056	Major Interior
	B17-000054	Major Interior
31-60Days		
Accessory Structure Permit	7	
	ACC17-000118	Sign
	ACC17-000121	Docks, Marine Use Pilings
	ACC17-000123	Sign
	ACC17-000125	Pools
	ACC17-000134	Driveway/Pavers
	ACC17-000137	Spas
	ACC17-000138	Pools
Zoning Permit	1	
<i>Bayfest</i> 60-91Days	Z17-000034	Special Events

Accessory Structure Permit	1	
821 N. Shore	ACC17-000108	Fence
Residential Building Permit	1	
510 Kumquat	B17-000039	Major Exterior
120+Days		
Accessory Structure Permit	6	
8803 Gulf Dr	16-000395	Sheds
8803 Gulf Dr	16-000396	Pools
832B S. Bay	ACC16-000031	Fence
832A S. Bay	ACC16-000032	Fence
8605 Gulf Dr	ACC17-000054	Other Structural not associated with a Building <i>Playset</i>
203 Tarpon	ACC17-000068	Driveway/Pavers



City of Anna Maria Monthly Update for City Clerk/Treasurer's Office

June 29, 2017 – July 21, 2017

Ordinances

1. Ordinance 17-830 – Historic Preservation – First reading – June 22, 2017 and was continued.
2. Ordinance 17-832– Chapter 66 and 38 Watercraft – Reading – June 22, 2017

Resolutions

1. None

Finance

1. Preparing for the 2017-2018 FY Budget Process. The first budget meeting was on July 13, 2017 at 4:30 p.m. with the completion of Code Enforcement and Building Department budgets. Next budget meeting is July 27, 2017 at 5:30 p.m.
2. The 2015-2016FY Audit was presented by Randy Dillingham at the July 13, 2017 meeting.

Records

1. We had 8 records requests that were fulfilled the month of May-June.

Bert Harris Claims

- Settled – 73
- Offers Pending – (Waiting on Client Decision) – 26
- Offers Accepted (Waiting for Client Signatures) – 13
- Counter Offers (Waiting for the City) – 0
- Open (No offers made by the City yet) – 0
- Total - 112

Memo

To: Mayor, Commissioners
From: Dean Jones
CC:
Date: 7/20/2017
Re: Public Works Project Update June

1. Removal of 8 signs from city inventory
2. Mowing in right of ways
3. Replaced split wood rails on Pine and other locations
4. Mowing in swales
5. Mowing City Pier Park
6. Rotated tires on golf carts
7. Signs on Bay front park beach (no boating)
8. Maintenance of Gulf Front Park
9. Maintenance of filtration ditches (weed control)
10. Cleaning out of catch basins

If you need any additional information please contact me.

Dean Jones