



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** APRIL 28, 2022 AT 6:00 P.M. CITY COMMISSION REGULAR MEETING

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

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Meeting ID: 853-9200-0280

***OUT OF COURTESY TO OTHERS, PLEASE MUTE YOUR PHONE WHEN NOT SPEAKING*
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Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL

REGULAR MEETING

General Public Comment regarding non-agenda items and items not scheduled for future agendas will be taken at the beginning of the meeting with a limitation of three minutes. The Commission's intent is that General Public comment is to be used for the public to inform the Commission of new issues within the City. Public Comment regarding agenda items will be taken with each agenda item with a limitation of three minutes.

1. General Public Comment
2. Ordinance 22-900 Pool Safety Ordinance - (Second Reading) – Vose
3. Ordinance 22-901 Alcoholic Beverages – (First Reading) – Vose
4. Mote Marine schedule – addendum to contract
5. Mayor's Comments
6. Commissioners' Comments
7. City Attorney's Comments
8. Staff Comments

9. **CONSENT AGENDA:** The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.
 - a. Regular/Special City Commission Meeting Minutes 4/14/2022
 - b. Air Conditioner Replacement Permit for The Center

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. 22-900

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, MAKING FINDINGS; AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF ANNA MARIA ENTITLED “ENVIRONMENT”; TO CREATE A NEW ARTICLE VII, ENTITLED “POOL SAFETY”, SETTING REGULATIONS FOR THE SAFETY OF THE PUBLIC RELATING TO POOL ALARMS; PROVIDING FOR CIVIL CITATIONS, PENALTIES AND RESTRICTIONS; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), drowning is the leading cause of unintentional death for one to four year-old children. Each year, nearly 300 children under age 5 drown in swimming pools; and

WHEREAS, many of these young victims could be saved if property owners used alarms, and otherwise complied with appropriate pool safety regulations; and

WHEREAS, there recently have been some “near misses” in Anna Maria that could have resulted in serious injuries or death as a result of failure to appropriately practice pool safety relating to alarms; and

WHEREAS, the “near misses” in Anna Maria have involved children staying in places other than their full-time homes, typically in a rental property; and

WHEREAS, the risk to children posed by residential pools is particularly severe when children are in an unfamiliar location near a pool, since children who live permanently in a home with a pool are typically fully trained in pool safety; and

WHEREAS, the City Commission of the City of Anna Maria finds it to be in the best interests of the citizens of, and visitors to, Anna Maria to create and enforce pool safety regulations relating to alarms applicable to all pools in the city that are fully or partially enclosed by a building, that are located in conjunction with residential dwelling units that are rented, either short term or long term, for periods equal to or less than 60 days at a time; and

WHEREAS, in addition to the incalculable human tragedy resulting from a drowning of a child in Anna Maria, such an occurrence would also severely negatively effect tourism in the City of Anna Maria; and

WHEREAS, the economy of the City of Anna Maria is grounded on tourism, and negative impacts on the tourist trade in the city would have wide ranging negative results throughout the city; and

WHEREAS, this ordinance is needed to protect the health, safety and welfare of the citizens of Anna Maria and visitors to Anna Maria.

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

SECTION 1. The City Commission finds that the above “Whereas” clauses are true and finds that the enactment of this ordinance is necessary to protect the health, safety and welfare of the citizens of Anna Maria and visitors to Anna Maria.

SECTION 2. Article VII, “Pool Safety”, of Chapter 26, “Environment” of the Code of Ordinances of the City of Anna Maria is hereby created to read as follows:

ARTICLE VII. – POOL SAFETY

Sec. 26-175. - Purpose and findings.

- (a) The purpose of this article shall be to promote pool safety for the protection of the residents of and visitors to the city.
- (b) The city hereby declares that the public health, safety, and welfare of the citizens of, and visitors to the city requires the enforcement of pool safety requirements in the city.

Sec. 26-176. – Swimming pool safety requirements.

- (a) Where a portion of a building acts as part of the barrier for a pool, all doors and windows forming such barrier shall have an alarm installed with its actuator at least 54” above the standing surface immediately adjacent to the window or door. All doors must be self closing and latching. The alarms must be approved as per UL2017 and must be physically disabled after activation (not automatically disabled after the window or door has been closed). In lieu of the window and door alarms mentioned above, a floating alarm that complies with ASTM Standard F2208 may be used. This alarm must be audible to the occupants inside of the residence as well as the adjacent properties. In addition, a “Kiddie Fence” may be used in lieu of the previously mentioned items. All of the items may also be used in connection with each other.
- (b) For purposes of this section, the term “swimming pool” shall mean any structure that is intended for swimming or recreational bathing and contains water over 24 inches (610 mm) deep including but not limited to inground, aboveground, and onground swimming pools, hot tubs, and spas.
- (c) This section applies to buildings used as residential dwelling units that are rented, either short term or long term for periods equal to or less than 60 days at a time.

Sec. 26-177. - Civil citations, penalties, and restrictions.

- (a) It shall be a violation of this article to fail to comply with any of the requirements or restrictions contained in this article. Each day a violation continues may be cited as a separate violation.
- (b) If a violation of this article is found, no rentals shall take place at such location during the period between five (5) business days after a notice of violation was issued and the date the violation was cured. If rentals take place during the period of time when such rentals are prohibited, each day of such rental shall be deemed a separate offense, punishable by a fine of \$500 per day.
- (c) Any violation of this article is a civil infraction punishable by a maximum civil penalty not to exceed \$500.00. The amount of each individual infraction will be established by separate resolution.
- (d) In lieu of a civil citation, a courtesy notice of complaint may be issued. This notice serves to advise that the violation must be remedied, without imposing a civil penalty.

SECTION 3. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

SECTION 4. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 5. 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 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

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

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

Carol Carter, Chairman

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2022

ATTEST:

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

LeAnne Addy, City Clerk

Gretchen R. H. "Becky" Vose
City Attorney

ORDINANCE NO. 22-901

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING SECTIONS 114-501 THROUGH 114-509, OF ARTICLE VII, "ALCOHOLIC BEVERAGES", OF CHAPTER 114, "ZONING" OF THE CITY OF ANNA MARIA CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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

SECTION 1. Article VII, "Alcoholic Beverages", of Chapter 114, "Zoning" of the Code of Ordinances of the City of Anna Maria is hereby amended to read as follows:

Sec. 114-501. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means all beverages containing more than one-half of one percent of alcohol by volume.

Beach means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Beer means brewed alcoholic beverages containing malt.

Coastal barrier sand dunes means mounds or ridges of loose sand and sand-sized sediment lying upland of the beach or shore, and deposited by any natural or artificial mechanism, which support vegetation including but not limited to sea oats, Spanish bayonet, railroad vine, sea grape, saw palmetto and prickly pear cactus.

Commercial establishment means not only rooms where alcoholic beverages are stored or sold by a licensee, but also all other rooms in the building which are so closely connected therewith as to admit free passage from the drink parlor to other rooms over which the licensee has some dominion or control, and shall also include all of the area embraced within the sketch, appearing on or attached to the application to the state department of business regulation, division of alcoholic beverages and tobacco, for the license involved and designated as such on the sketch.

Gross revenue means all money and other things of value received by or paid to the operator of a restaurant from the retail sale of beer, wine, prepared food, and non-alcoholic beverages without regard to whether such receipts are represented by check, credit, charge

account, exchange, or otherwise. Gross revenue shall not include direct taxes which are passed on to and paid by the patrons (such as sales tax), or revenue generated from catering services. Gross revenue also shall not include tips and gratuities paid by customers to and retained by employees of the operator, for which such employees are not accountable to the operator, whether or not such tips are credited against wages owed by the operator to such employees. No income tax, franchise tax, tangible or intangible tax, or other tax based on the income, profits, or assets of the operator will be deducted from gross revenue. Each charge or sale on installment or credit is to be treated as a sale for the full price on the date the charge or sale is made, regardless of when the operator actually receives payment.

Liquor means that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced, but not including beer or wine as defined herein.

Operator means the person or entity, or combination of persons and entities, operating a commercial establishment or restaurant on the premises who either holds or has applied for a license to sell or dispense alcoholic beverages from the premises.

Parks includes Bay Front Park, located on Tampa Bay from Lake La Vista Channel on the southerly end to Hibiscus Road on the northerly end; Gulf Front Park, located on the Gulf of Mexico from Oak Avenue on the southerly end to Magnolia Avenue on the northerly end; City Hall Park, the land surrounding the Anna Maria City Hall, bounded by Spring Avenue, Gulf Drive, and Pine Avenue; and City Pier Park, located at the northeast corner of Pine Avenue and North Bay Boulevard.

Premises means land including buildings and its appurtenant structures and property, so long as same are included in the licensed premises for purposes of its state alcoholic beverage license.

Restaurant means a commercial establishment engaged primarily in selling and serving prepared food and non-alcoholic beverages to the general public at retail.

Sale of alcoholic beverages means any transfer of an alcoholic beverage for a consideration, any gift of an alcoholic beverage in connection with, or as a part of, a transfer of property other than an alcoholic beverage for a consideration, or the serving of an alcoholic beverage by a club licensed under the state beverage law.

Wine means all alcoholic beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, any combination of the aforesaid beverages, vermouths and like products. Specifically excluded from this definition are "fortified wines" containing more than 17.259% of alcohol by volume.

Sec. 114-502. - Hours of business operation.

(a) It shall be unlawful for any person to sell or offer for sale, serve or dispense any alcoholic beverages in the city in any place or establishment licensed by the state for the sale

of alcoholic beverages except during the hours of 7:00 a.m. to 2:30 a.m. of the following day.

(b) It shall be unlawful for patrons of establishments referred to in subsection (a) of this section to be allowed to occupy the premises beyond 3:00 a.m., which is one-half hour past the specified final hour of customer service.

Sec. 114-503. - Consumption prohibited in certain areas.

(a) It shall be unlawful for any person to consume or possess open containers of beer, wine, alcoholic beverages or intoxicating liquors in, on, upon or along any street, alley, sidewalk, beach, coastal barrier, sand dune, beach access, public parking lot open to the public, or park within the city, except as provided in subsection (b) of this section. Further, it shall be unlawful for any person to consume or possess open containers of beer, wine, alcoholic beverages or intoxicating liquors in or upon any area available for use by the public for motor vehicle parking, which area or land is adjacent to, or part of the premises of, any establishment where alcoholic beverages are sold or dispensed or which area is provided for the parking of patrons of the establishment.

(b) Exceptions. The following exceptions from the provisions of subsection (a) of this section are permitted:

(1) The Anna Maria Island Community Center is a publicly owned recreational area within the city under lease to Anna Maria Island Community Center, Inc., a Florida nonprofit corporation. The lessee has jurisdiction and control of the property according to the terms of the lease and all applicable city ordinances, and may, in its discretion, permit ~~alcoholic beverages~~ beer and wine to be served and consumed on the premises. Liquor shall only be permitted as allowed by a special event permit.

(2) The Island Players building is a publicly owned recreational area within the city under lease to The Island Players, Inc., a Florida nonprofit corporation. The lessee has jurisdiction and control of the property according to the terms of the lease and all applicable city ordinances, and may, in its discretion, permit beer and wine ~~alcoholic beverages~~ to be served and consumed on the premises. Liquor shall only be permitted as allowed by a special event permit.

(3) The Anna Maria city pier is a publicly owned recreation area within the city with portions under lease. One lessee is licensed to sell beer and wine to pier patrons, and the Anna Maria city pier is excepted from the provisions of subsection (a) of this section subject to the terms and conditions of the lease and all other applicable city ordinances. No alcoholic beverages shall be consumed or possessed on the Anna Maria pier unless they were purchased from the pier lessee or otherwise pursuant to a special event permit.

(4) Any publicly owned property shall be exempt from the provisions of subsection (a) of this section if specifically deemed exempted by a special event permit approved by the city.

(c) Violation of subsection (a) of this section constitutes a noncriminal violation, punishable as provided in F.S. § 775.083.

(d) The fine schedules for violations of subsection (a) of this section shall be as set forth by Resolution adopted by the City Commission.

- (e) Violation of subsection (a) constitutes a criminal violation, punishable as provided in F.S. § 775.082(4)(b) or 775.083(1)(e).

Sec. 114-504. - Service or operation of establishment prohibited in certain areas.

It shall be unlawful for any person or for the officers, employees, servants or agents of any person holding a vendor's alcoholic beverage license to:

- (1) Serve any alcoholic beverage to any person occupying a motor vehicle, including but not limited to curb service, or to any person within or upon any public street, alley, sidewalk, publicly owned park, public parking lot or publicly owned recreational area within the city, or to any person within or upon any area available for use by the public for motor vehicle parking which area is adjacent to, or part of the premises of, the establishment of such vendor where alcoholic beverages are sold or dispensed or which is provided for the parking of the patrons of such establishment.
- (2) Knowingly permit the consumption of any alcoholic beverage in violation of section (1) above.
- (3) Operate an establishment where alcoholic beverages are sold or dispensed within the city limits unless a special use permit is obtained therefor. This sub-section shall not be construed so as to impose a new requirement for a special use permit for an establishment that was legally selling alcoholic beverages as of the effective date of this ordinance (hereinafter referred to as "grandfathered").

Sec. 114-505. - Indecent exposure in alcoholic beverage establishment.

(a) *Permitting indecent exposure.* It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the incorporated area of the city at which alcoholic beverages are offered for sale for consumption on the premises to permit:

- (1) Any female person, while on the premises of the commercial establishment, to expose to the public view that area of the human female breast at or below the areola thereof;
 - (2) Any female persons, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast at or below the areola thereof;
 - (3) Any person, while on the premises of the commercial establishment, to expose to public view his genitals, pubic area, buttocks, anus, gluteal cleft or cleavage;
 - (4) Any person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, gluteal cleft or cleavage.
- (b) *Exposing oneself.*

- (1) This section shall not be applied to a nursing mother, immediately before, immediately after, or while nursing a baby.

It shall be unlawful for any female person, while on the premises of a commercial establishment located within the incorporated areas of the city at which alcoholic beverages are offered for sale for consumption on the premises, to expose to the public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate such area of the female breast as described in this subsection.

- (2) It shall be unlawful for any person, while on the premises of a commercial establishment located within the incorporated areas of the city at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his genitals, pubic area, buttocks, anus, gluteal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, or anus or anal gluteal cleft or cleavage.

Sec. 114-506. - Location of establishments subject to zoning.

No alcoholic beverage establishments shall be located within any zoning districts in the city other than the commercial (C-1) and/or residential-office-retail (ROR) zoned areas.

Sec. 114-507. – Special Use Permit Restaurant Operating Requirement.

(a) The operator of a restaurant who desires to dispense beer and wine must apply for a special use permit set forth in section 114-5048, provided such restaurant will continuously meet the following criteria:

- (1) The restaurant shall not sell or dispense any alcoholic beverages other than beer and wine without regard to the nature or extent of the alcoholic beverage license held by the operator of the restaurant.
- (2) The restaurant shall derive at least 60 percent of its gross revenue on an every two month basis from the retail sale of prepared food and non-alcoholic beverages.
- (3) Full course meals must be available at all times when the restaurant is serving beer or wine except the restaurant may continue to serve beer and wine until food service is completed to the final seating of restaurant patrons for full course meals. A full course meal as required by this subparagraph (3) must include a salad or vegetable, an entrée, a beverage and bread.
- (4) The premises where the restaurant is located shall not have an area where the primary purpose is to serve beer and wine.
- (5) The restaurant shall have the burden of demonstrating that it continuously qualifies for the exclusion set forth in this paragraph (a) by maintaining the records described in paragraph (c) below.
- (6) The operator of the restaurant must hold a license issued by the State of Florida which permits the sale of beer and wine, and must remain in full compliance with the requirements of that license.

(b) The operator of a restaurant who desires to dispense other alcoholic beverages in addition to beer and wine, must apply for a special use permit set forth in section 114-5048.

- (1) During the five years immediately preceding the submittal of the application, the city code enforcement board or magistrate has not made three or more determinations during any one year period that the restaurant premises was in violation of the city's ordinances related to noise, alcoholic beverages or nuisances.
- (2) The restaurant shall continue to meet the requirements of section 114-507(a) above.
- (3) Upon approval, of the special use permit created by this paragraph, the restaurant's existing special use permit to dispense beer or wine between the hours of 7:00 a.m. and 2:30 a.m., shall be deemed abandoned. Thereafter, it shall be a condition of the special use permit created by this paragraph, that the hours of dispensing all alcoholic beverages, shall be limited to between the hours of 10:00 a.m. and 10:00 p.m.

(c) The operator of a restaurant who is granted a special use permit to sell or dispense beer and wine and/or other alcoholic beverages pursuant to the exclusions set forth in paragraphs (a) and (b) above shall maintain books and records which clearly demonstrate that the restaurant continuously meets the requirements for the exclusion. Separate records shall be maintained for the sale of all alcoholic beverages, and for the sale of prepared food and non-alcoholic beverages. The records shall be maintained on the premises where the restaurant is located, or other designated place approved in writing by the city, and shall be open for inspection by the city during normal business hours. The records required to be kept shall be legible, clear and in the English language. Records maintained in an electronic form shall be promptly provided to the city in written form at the sole expense of the operator of the restaurant. The city shall have the right to periodically inspect the records maintained in accordance with this paragraph (c) to assure that the restaurant continuously complies with the requirements of subparagraph (a)(2) above.

(d) Vendors operating places where beer is sold only for consumption off the premises, as authorized in F.S. § 563.02, or any successor statute, may sell wine beverages for off the premises consumption only.

Sec. 114-508. - Special use permit - Restaurant.

(a) The operator of any restaurant which desires to sell or dispense beer and wine and/or other alcoholic beverages shall first apply for and receive a special use permit in accordance with this section.

(b) The application for a special use permit shall be in writing and shall use the application form supplied by the city if such form is available. The application shall include the following:

- (1) The full legal name of the operator(s).
- (2) The street address of the restaurant where beer and wine will be sold or dispensed if the special use permit is granted.
- (3) The zoning district in which the restaurant is located.
- (4) a. A copy of the alcoholic beverage license issued by the State of Florida to the operator of the restaurant, if such license has been issued at the time of application; or
b. A copy of the application to the State of Florida for an alcoholic beverage license filed by the operator of the restaurant, and an agreement by the operator to provide a copy of the license to the city immediately after it is issued.
c. A copy of the special use permit for beer and wine issued by the city (if applicable).
- (5) A statement by the operator setting forth in detail why the operator reasonably believes in good faith that the restaurant will be able to continuously meet the criteria set forth in section 114-507.
- (6) Such additional information as the commission deems necessary to assure that the restaurant can be reasonably expected to continuously meet the criteria set forth in section 114-507.
- (7) The application shall be given under oath affirming that the operator is aware of the criteria set forth in section 114-507, that the operator has concluded in good faith that the restaurant can be operated in continuous compliance with the criteria set forth in

section 114-507, and that the operator will maintain the records required by section 114-507 and will make those records available for inspection by the city.

(8) The application shall be accompanied by the application fee established by the city by resolution.

(c) The commission shall review and either approve or deny the special use permit application within a reasonable period of time following receipt. The application shall be granted if it complies with the requirements of subsection (b) above. The commission shall not have the authority to attach conditions to the approval, waive or modify the requirements or criteria set forth in section 114-507, or exercise any discretionary authority except with regard to the completeness of the application. If the application is denied, the city planner/clerk shall furnish the applicant with a written statement setting for the reasons for denial.

(d) Each special use permit issued in accordance with this section shall be renewed annually by the city clerk upon receipt of (i) a copy of the operator's current alcoholic beverage license issued by the State of Florida; (ii) the operator's written affirmation under oath that the restaurant subject to the special use permit has been in continuous compliance with the criteria and record keeping requirements of section 114-507, and (iii) the renewal fee established by the city by resolution.

(e) The special use permit shall be issued for the premises where the restaurant is located, shall not be personal to the operator of the restaurant, and shall not be transferable to another location. The special use permit shall be transferable to another operator of the restaurant which is the subject of the permit without the prior consent of the city. However, the transferee of the permit shall give the city written notice of any such transfer within ten days following the effective date of the transfer, which notice shall include a copy of the transferee's alcoholic beverage license issued by the State of Florida.

Sec. 114-508. - Special use permit – commercial establishment

(a) The operator of any commercial establishment which desires to sell or dispense liquor shall first apply for and receive a special use permit in accordance with this section.

(b) The application for a special use permit shall be in writing and shall use the application form supplied by the city if such form is available. The application shall include the following:

(1) The full legal name of the operator(s).

(2) The street address of the establishment where alcoholic beverages will be sold if the special use permit is granted.

(3) The zoning district in which the commercial establishment is located.

(4) a. A copy of the alcoholic beverage license issued by the State of Florida to the operator of the commercial establishment, if such license has been issued at the time of application; or

b. A copy of the application to the State of Florida for an alcoholic beverage license filed by the operator of the commercial establishment, and an agreement by the operator to provide a copy of the license to the city immediately after it is issued.

(5) A site plan showing the location of the commercial establishment and the distances from any other commercial establishments (not including restaurants)

that currently sell liquor. No special use permit shall be granted to a commercial establishment that is located within a radius of one-half mile from any other commercial establishment that sells liquor that is not grandfathered under the terms of this ordinance.

(6) The application shall be given under oath affirming the truth of all information provided.

(7) The application shall be accompanied by the application fee established by the city by resolution.

(c) The commission shall review and either approve or deny the special use permit application within a reasonable period of time following receipt. The application shall be granted if it complies with the requirements of subsection (b)(5) above. The commission shall not have the authority to attach conditions to the approval, waive or modify the requirements or criteria set forth in section 114-508, or exercise any discretionary authority except with regard to the completeness of the application. If the application is denied, the city planner/clerk shall furnish the applicant with a written statement setting for the reasons for denial.

(d) Each special use permit issued in accordance with this section shall be renewed annually by the city clerk upon receipt of (i) a copy of the operator's current alcoholic beverage license issued by the State of Florida; and (ii) the renewal fee established by the city by resolution.

(e) The special use permit shall be issued for the premises where the commercial establishment is located, shall not be personal to the operator of the commercial establishment, and shall not be transferable to another location. The special use permit shall be transferable to another operator of the special use permit which is the subject of the permit without the prior consent of the city. However, the transferee of the permit shall give the city written notice of any such transfer within ten days following the effective date of the transfer, which notice shall include a copy of the transferee's alcoholic beverage license issued by the State of Florida.

Sec. 114-51009. - Enforcement.

Sections relating to special use permits 114-507 and 114-508 shall be enforceable by the city's special magistrate who is hereby given the specific power to suspend or revoke a special use permit issued in accordance with section 114-508, in addition to all other powers granted to the special magistrate by the city's code of ordinances. The city's special magistrate is specifically authorized to suspend or revoke a special use permit for all alcoholic beverages issued in accordance with section 114-508 upon making three or more determinations during any rolling one year period that the restaurant premises or commercial establishment was in violation of the city's ordinances related to noise, alcoholic beverages or nuisances, in which case the restaurant premises or commercial establishment shall be deemed a nuisance property. Alternatively, the city may commence a civil action in circuit court against the operator of the restaurant or commercial establishment to enjoin the nuisance, a violation of sections 114-507 and 114-508, suspend or revoke a special use permit issued pursuant to section 114-508, and obtain such other relief as may be appropriate.

Secs. 114-5110—114-550. - Reserved.

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

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

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

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

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this _____ day of _____, 2020.

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

Carol Carter, Chairperson

I hereby approve this Ordinance:

Dan Murphy, Mayor

_____, 2020

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

CITY OF ANNA MARIA, FLORIDA
MOTE MARINE LEASE ADDENDUM

THIS LEASE ADDENDUM is made and entered into this ____ day of _____, 2022, by and between the CITY OF ANNA MARIA, a Florida municipality, hereinafter referred to as the “City”, and MOTE MARINE LABORATORY, INC., a Florida not for profit corporation, hereinafter referred to as “Mote”, concerning that certain lease entitled Lease of Mote Marine Laboratory Education Outreach Center on Anna Maria City Pier, hereinafter referred to as “Lease”.

WITNESSETH:

In consideration of the covenants set forth herein and in the Lease, the parties agree to this addendum as follows:

1. Amendment. This Addendum hereby amends and supplements the terms of the Lease. In the event of a conflict between the terms of the Lease and terms of the Addendum, the terms of the Addendum shall prevail.

2. Schedule for Work as to Design and Build-out of Premises. Mote shall comply in all respects with the following schedule as to the design and build-out of the Premises:

Milestone	Timeframe: On or before
Design Commences	August 18, 2022
Plans submitted to City	October 13, 2022
Construction begins	7 Days after permits issued
Application for C.O.	12 weeks after permits issued
Grand Opening	4 weeks after issuance of C.O.

3. Compliance required. Mote’s timely performance of the above work and schedule is required as a condition of the lease, excluding “unavoidable delays” as defined in Section 28 of the lease signed September 30, 2021. In the event of default on the part of Mote, the Anna Maria City Commission shall have the authority to cancel the Lease at the reasonable discretion of such City Commission.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this instrument on the days and year indicated below and the signatories below to bind the parties set forth herein.

Mote:

City of Anna Maria, Florida

Print Name: _____

Title: _____

Print Name: _____

Title: _____



CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216

Phone (941) 708-6130 Fax (941) 708-6134

MINUTES APRIL 22, 2022 AT 2:00 P.M. CITY COMMISSION SPECIAL MEETING

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

Dial in using your phone.

United States: +1 (929) 205-6099

Meeting ID: 853-9200-0280

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

Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

Chair Carter called the meeting to order at 2:00 p.m.

PLEDGE TO THE FLAG

ROLL CALL

Present: Mayor Dan Murphy, Chair Carter, Commissioner Robert Kingan, Commissioner Deanie Sebring, Commissioner Jonathan Crane, Commissioner Mark Short (by phone).

Others Present: Deputy City Clerk Debbie Haynes and Code Enforcement Manager Sandy Olson

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

Commissioner Short stated that he has been exposed to COVID so felt it was best not to be present.

2. Mote Marine:

- Plans presentation
- Timeframe extension request

Mayor Murphy stated that there are two points on the agenda that we will be discussing today. We will need to decide a timeframe extension.

Kevin Cooper from Mote Marine is present today doing a presentation of the proposed plans. He stated that Dr. Crosby is in Key West and apologized that he can't be here today. He thanked the mayor for all of his hard work and everyone here. He hopes that the Commission approves the extension today. He stated that we have been limited by physics, timeframes,

and other third-party firms which has been keeping us from moving faster. Mote Marine's mission is to have live exhibits as well as marine education. Mote aquarium will support this project. The proposal today has 4 live exhibits. As displayed in their presentation, the first one allows people to have their hands in the water, feeling and touching the species. Three live exhibits with one being the mangrove exhibit. They also have a grass flat exhibit and will show what will be in those areas such as stone crabs, etc.

There will be interactive microscopes and also an exhibit of under the pier, showing what they could see under the deck on which they are standing. There will be a microphone system and a livestream under the pier so they can see and listen to what is below the pier. The interactive microscopes will show sea grass, sharks' teeth, etc. Additionally, they plan to have a coloring station that brings to life sea creatures that the visitors color. He wants to maximize the time that they spend there.

Commissioner Sebring stated that there will be a 1000 gallon circulating tank and asked if that is the maximum?

Mr. Cooper stated that 1000 gallons is what they decided. He stated that they have a great staff that work hard in keeping the mortality rate low for the animals. They can change species as needed, depending on how they do. He stated to Commissioner Short that 55-60% of the water is what visitors will see, as the remaining portion will be circulating. The regulatory capacity is 24 people at one time. When and/if alarms go off, staff are available 24/7. Mote aquarium itself can hold many people but with this exhibit, we will need to regulate the number of people in at one time.

Scott McGregor, Holly Rd. stated that it's a wonderful idea, but not here. Many people would rather see a restaurant.

Mayor Murphy stated that this project will be funded by TDC (Tourist Development Corporation).

Commissioner Short stated that the agenda states the plans will be shared; are these the plans?

Mayor Murphy stated that these are the conceptual plans, not the detail plans.

Mr. Cooper stated that it will be 8-week permit time and a 14-week construction period with items, such as AC, coming out by a barge. They will do their best to keep this timeline but there are things like weather, etc. that may change it. Barron Schimberg is able to start on August 18, 2022.

Mayor Murphy stated that we have a proposal to open the Outreach center to open May of next year with a drop date of March 1, 2023.

Commissioner Short asked the 26 weeks you gave us, the design process would not start until August 18th, correct?

Chair Carter stated with lack of architects that is the best we can do with Barron Schimberg. She also stated that 8 weeks after August 18, might be a plus in terms of weather, like hurricanes.

Chair Carter asked if adding milestones to the vote would be good.

Mayor Murphy stated that a vote on the extension of the date to have Mote Marine on the pier, needs to happen. If you vote yes, I will come back with a plan to get you there. Then it's up to Mote to provide regular and frequent updates.

Dan Devine, Jacaranda Rd. expressed concerns that it won't go through as promised.

Commissioner Crane stated that he is frustrated too but thinks this is a good plan. We need to move forward.

Commissioner Kingan stated he will approve the extension, but if an architect is not engaged by August 18, he will not approve anything further.

Alan Ward stated that this project has a small footprint. He's disappointed that Dr. Crosby isn't at the meeting.

Commissioner Short stated that he is very frustrated and nervous about granting the extension and moving forward with this project.

Motion: To approve the Mote Marine Plans extension to March 1, 2023, with the proviso that we add an addendum to the contract with a schedule of go/or no go dates and milestones between now and March 1, 2023.

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

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

Press Comment


None.

Adjournment

Meeting adjourned by Chair Carter at 3:29pm.

Minutes Approved: _____

LeAnne Addy, CMC
City Clerk/Treasurer

 (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.

Manatee County Sheriff's Office

Anna Maria Island Unit

MONTHLY ACTIVITY REPORT

MARCH 2022

Information:

Frequent meetings with City in regards to the Anna Maria Memorial Day event. All three off duty deputy spots have been filled for the event. Easter Weekend planning. Extra manpower planned with 22 total deputies for the weekend.

Deputies on Leave:

Parham

Training:

Parham, McDermott ROVA training to certify on ATV/UTV's.

Pending availability.

.

The **Bicycles** are in **ready status**: Total bicycle/ATV patrols this reporting period: 103

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

The current engine hours are: **880**

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

The current engine hours: **545**

Upcoming Events:

Easter Weekend

MANATEE COUNTY SHERIFF'S OFFICE

Report Dates From 3/1/2022 - 3/31/2022

Statistical Data	Totals
U.T.C's	1
Crash AT FAULT UTC's	1
Warning	39
Parking	4
F.I.'s	8
Assists	64
P.R.'s	721
Report Entry	16
No Reports	1482
Initiated	1320
Dispatched	178
Mileage	5753
Alcohol Violations	143
COV	110
Building Checks	432
ATV/Bike Patrol	103
Patrol/Walk	547