



## CITY OF ANNA MARIA

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

### AGENDA

MAY 27, 2021 AT 6:00 P.M.

### CITY COMMISSION REGULAR MEETING

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

TO ATTEND YOU MUST:

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\***

**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. Love it Like a Local Presentation – Falcione
3. The Center Annual Funding Request – Culhane
4. Ordinance 21-888 Construction Hours (First Reading) – Vose
5. Ordinance 21-889 Mangrove Trees/Miscellaneous (First Reading) – Vose
6. American Rescue Plan Update – Mayor/Addy
7. Memorial Day Event Update – Mayor/Haynes
8. Mayor's Comments
9. Commissioners Comments
10. City Attorney Comments
11. Staff Comments
12. **CONSENT AGENDA:** The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.
  - a. Approval of Minutes: Regular Meeting 5/13/2021

**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. 21-888**

**AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING SECTION 26-93, “EXCEPTIONS”, OF ARTICLE IV, “NOISE”, OF CHAPTER 26, “ENVIRONMENT”, OF THE CODE OF ANNA MARIA BY THE ADDITION OF OBSERVED HOLIDAYS TO THE HOURS DURING WHICH USUAL NOISES OF CONSTRUCTION ON PRIVATE PROPERTY ARE PROHIBITED; AND BY PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND FOR EFFECTIVE DATE.**

**WHEREAS**, construction activities have a significantly negative impact on the residents of, and visitors to, the City of Anna Maria in the immediate vicinity of the construction due to noise; and

**WHEREAS**, the City of Anna Maria finds that it is in the best interest of the City and its residents and visitors to balance the rights of persons conducting construction activities on private property in the City of Anna Maria with the rights of residents and visitors to be free of the negative impacts of construction activities; and

**WHEREAS**, this Ordinance is adopted under the City’s police powers for the health, safety, and welfare of the City’s residents and visitors.

**NOW, THEREFORE**, be it ordained by the City of Anna Maria 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:** Section 26-93, “Exceptions”, of Article IV, “Noise”, of Chapter 26, “Environment”, of the Code of the City of Anna Maria, is hereby amended to read as follows:

Sec. 26-93. - Exceptions.

The following activities or sources are exempt from the requirements of this article:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, or in the performance of emergency work.
- (2) Between the hours of 7:00 a.m. and 10:00 p.m., ceremonial or traditional activities or events, such as the sounding of church bells and the normal sounds of organized sporting and cultural events, but specifically not including amplified sounds played at volumes or vibrations that violate standards of this article.

(3) Operation of equipment or conduct of activities normal to residential communities as set forth herein:

	Description	Hours of Exception
a.	Lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, tree trimming and limb chipping and other normal community operations	8:00 a.m. to 6:00 p.m.
b.	Operation of equipment for solid waste and recycling collection in or adjacent to residential uses	7:00 a.m. to 7:00 p.m.
c.	Operation of equipment for solid waste collection in nonresidential locations	7:00 a.m. to 7:00 p.m.
d.	Usual noises of construction and operation of construction equipment for construction on private property and delivery, collection and removal of construction dumpsters.	7:00 a.m. to 6:00 p.m., Monday through Friday; 10:00 a.m. to 6:00 p.m. on Saturday; NOTE: No noise allowed on Sundays and federal holidays as designated by the U.S. Office of Personnel Management. <u>For the purposes of this section, if any of these holidays falls on a Saturday, the preceding Friday shall also be observed as a holiday during which no noise is allowed. If any of these holidays falls on a Sunday, the following Monday shall also be observed as a holiday.</u>

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

**SECTION 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 \_\_\_\_\_, 2021.

Carol Carter, Commissioner  
Jonathan Crane, Commissioner  
Doris Sebring, Commissioner  
Mark Short, Commissioner  
Joe Muscatello, Commissioner

\_\_\_\_\_  
Carol Carter, Chairman

I hereby approve this Ordinance:

\_\_\_\_\_  
Dan Murphy, Mayor

\_\_\_\_\_, 2021

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. 21-889

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING ARTICLE III, "SHORELINE STABILIZATION", ARTICLE IV, "MARINAS, DOCKS, WHARFS, PIERS, MOORINGS, PILINGS OR GROINS", AND ARTICLE V, "ANNA MARIA CITY PIER", OF CHAPTER 110, "WATERWAYS" OF THE CITY OF ANNA MARIA CODE OF ORDINANCES BY PROVIDING FOR PROTECTION OF MANGROVES; ADDING REQUIREMENTS TO BE INCLUDED IN SHORELINE STABILIZATION PERMITS; ADDING REQUIREMENTS FOR THE CONSTRUCTION OF DOCKING FACILITIES; PROHIBITING SMOKING OR VAPING ON OR NEAR THE ANNA MARIA CITY PIER; 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 III, "Shoreline Stabilization", of Chapter 110, "Waterways" of the Code of Ordinances of the City of Anna Maria is hereby amended to read as follows:

Sec. 110-61. Objectives of article.

The objectives of this article are to prevent degradation or loss of native shoreline habitat, and encourage improvement of habitat degraded by shoreline protection structures, and to provide construction standards for replacement of failed seawalls.

Sec. 110-62. Findings.

- (a) Native shoreline vegetation:
  - (1) Helps to protect the shoreline against erosion;
  - (2) Provides habitat for a diverse community of plants and animals, including species listed by the state as endangered, threatened or species of special concern;
  - (3) Plays a fundamental role in estuarine aquiferation and water quality; ~~and~~
  - (4) Is aesthetically pleasing and can be reasonably incorporated as a landscaping asset for waterfront residences.; and
  - (5) Is protected under the 1996 Mangrove Trimming and Preservation Act. (F.S. 403.9321-403.9333).
- (b) Limestone riprap can provide a rocky substrate for marine organisms and native wetland shoreline vegetation, and can aid in the dispersal of coastal energies on shorelines,

48 thereby increasing resistance to erosion and damage by storm-driven waves.

- 49  
50 (c) Seawalls and bulkheads fronted by berms of vegetated riprap provide better estuarine and  
51 habitat and shoreline protection than seawalls or bulkheads alone.

52  
53 **Sec. 110-63. Applicability of article.**

54  
55 This article shall be applicable to all new development on shorelines, including shorelines  
56 along canals, waterways and wetlands.

57  
58 **Sec. 110-64. Stabilization techniques.**

59  
60 The following shoreline stabilization techniques shall apply:

- 61  
62 (1) On new developments located along shorelines which are not already hardened with  
63 seawall or bulkhead construction, native wetland shoreline vegetation or limestone  
64 riprap for shoreline stabilization shall be used.  
65  
66 (2) Seawall or bulkhead construction is permitted on lots which abut existing seawalls  
67 on any side.

68  
69 **Sec. 110-65. Special requirements for structures in certain locations.**

70  
71 These specifications are not intended to apply to seawalls or other structures on the Gulf  
72 of Mexico or Tampa Bay shore, for which, because of occasional heavy storm-wave action,  
73 special consideration must be given. Proposed seawalls, bulkheads and other waterfront  
74 structures may require additional permitting from regional, state or federal agencies based on the  
75 location of the proposed structure.

76  
77 **Sec. 110-66. Responsibility for construction.**

78  
79 The seawall or bulkhead is part of the property of the upland property owner, and his is  
80 the final responsibility for the construction of the seawall or bulkhead in accordance with the  
81 requirements of this article, and for the performance and maintenance thereof. Construction in  
82 compliance with this article does not relieve the contractor from responsibility to the owner for  
83 the stability and satisfactory performance of the wall.

84  
85 **Sec. 110-67. Allowances for deviations in design.**

86  
87 It is the intent of this article to indicate acceptable construction, according to minimum  
88 standards. Experience on Anna Maria Island and elsewhere has been drawn on for these  
89 specifications, but it is not intended to exclude other designs which can show evidence of  
90 rendering satisfactory service.

91  
92 **Sec. 110-68. Permit.**

93



94 Prior to construction of a shoreline stabilization structure, a permit must be obtained from  
95 the building official, ~~which shall include the following: Fees for permits will be established by~~  
96 ~~the city commission. Permits will not be issued until a detailed drawing of the construction is~~  
97 ~~submitted and approved by the building official.~~

- 98
- 99 (1) An overall site plan and site survey, including the shape and dimensions of the lot or  
100 parcel of land and proposed structures requiring a permit.
- 101
- 102 (2) Location of shoreline protection structures, including seawalls, bulkheads and riprap,  
103 and location of the waterway boundary.
- 104
- 105 (3) Indicate all existing vegetation, including mangroves by species type, and describe  
106 any proposed trimming or alteration of such vegetation.
- 107

108 **Sec. 110-69. Height of seawalls.**

109

110 The height of the fill behind the seawall, that is, the ground level of the lots, should be no  
111 higher than the top of the seawall, except that the property shall be graded from the building line  
112 to the seawall to prevent standing water; however, such grade shall not exceed that allowed in  
113 section 74-34.

114

115 **Sec. 110-70. Jetting-in slabs.**

116

117 The bay bottom shall be examined for obstructions to jetting-in, and rocks, rubbish or  
118 other obstructions to jetting-in the slab must be removed. If solid rock is encountered, the slab  
119 may be cut off before or after jetting to proper heights to line up with full depth slabs.

120

121 **Sec. 110-71. Tie-backs.**

122

123 The purpose of the tie-back is to resist the outward thrust at the top of the wall from the  
124 soil behind it. The tie-back shall be a heavy steel bar, with the inner end anchored in a concrete  
125 block. The tie-back rod shall be protected from corrosion.

126

127 **Sec. 110-72. Returns.**

128

129 Any seawall or bulkhead which is not joined with another seawall at its end will require a  
130 return of ten feet measured from the water side of the seawall or bulkhead.

131

132 **Sec. 110-73. Bulkheads and seawalls. (re-numbered from Sec. 110-99)**

133

134 A bulkhead or seawall shall be constructed along the property line wherein the property  
135 borders the waterway shown on the plat of the subdivision within which the property is located,  
136 and the seawall or bulkhead shall conform to the existing seawalls or bulkheads in the area. Prior  
137 to constructing or erecting seawalls or bulkheads, the owner of the lot shall have the property  
138 surveyed by a registered engineer, which survey shall be made within six months of the date of  
139 the owner's application to construct the seawall or bulkhead.

140

141 **Section 110-74. Mangrove Protection**

142  
143 Prior to any trimming or alteration of mangroves, notification must be given to the City of  
144 the intent to trim or alter such mangroves. The property owner must provide evidence to the City  
145 that any intended trimming or alteration activity is permissible under the 1996 Mangrove  
146 Trimming and Preservation Act. Such evidence can only be provided by the Florida Department  
147 of Environmental Protection or a Professional Mangrove Trimmer who meets the qualifications  
148 set forth in Florida Statute 403.9329.

149  
150 **Secs. 110-73—110-90. Reserved.**

151  
152 **SECTION 2.** Article IV, “Marinas, Docks, Wharfs, Piers, Moorings, Pilings or Groins”, of  
153 Chapter 110, “Waterways” of the Code of Ordinances of the City of Anna Maria is hereby  
154 amended to read as follows:

155  
156 **Sec. 110-91. Findings.**

- 157  
158 (a) Improperly situated docking facilities can impede navigation by cluttering waterways.  
159  
160 (b) Pilings can contribute to poor water quality conditions by disrupting flow of tidal flushing.  
161  
162 (c) Seagrasses provide essential habitat and nutrition for marine organisms. Docking facilities  
163 can prevent necessary sunlight from reaching seagrasses, thereby reducing or eliminating  
164 seagrass productivity and habitat value.  
165  
166 (d) Manatees (*Trichechus manatus*) are listed by the state as endangered. Boat- and barge-related  
167 manatee mortalities are a leading cause of manatee deaths in the state.  
168

169 **Sec. 110-92. Purpose of article.**

170  
171 The purpose of this article is to protect the environmental integrity and navigational  
172 function of the estuaries and waterways by providing guidelines and standards for the placing and  
173 construction of docking facilities.  
174

175 **Sec. 110-93. Permit required.**

- 176  
177 (a) A building permit, obtained from the building official, shall be required for any marina,  
178 wharf, dock, pier, piling, boat lift, davit and slip or any other structure in or over any  
179 waterway.  
180  
181 (b) Permits shall be conditioned upon issuance of all applicable federal, state, county and other  
182 necessary local permits.  
183

184 **Sec. 110-94. Application for permit.**

185  
186 A person desiring a building permit for a marina, dock, wharf, pier, piling, boat lift, davit,  
187 slip or other structure in or over a waterway shall submit a written application to the building

188 official, which shall include the following:  
189

- 190 (1) An overall site plan and site survey, including the shape and dimensions of the lot or  
191 parcel of land, proposed structures requiring a permit, and location of wetland  
192 vegetation.  
193
- 194 (2) Location of shoreline protection structures, including seawalls, bulkheads and riprap,  
195 and location of the waterway boundary.  
196
- 197 (3) Indicate all existing vegetation, including mangroves by species type, and describe any  
198 proposed trimming or alteration of such vegetation.  
199

200 **Sec. 110-95. General standards.**  
201

202 The following general provisions shall be met by all permit applicants:  
203

- 204 (1) No marina, dock, wharf, pier, mooring, pilings or groins, boat lift, davit, slips, or other  
205 structure extending into the Gulf of Mexico or the waters of Tampa Bay are permitted.  
206
- 207 (2) No marina, dock, wharf, pier, mooring pilings or groins, boat lift, davit, slips, or other  
208 structures docking facility shall be located in such a manner as to impede normal navigation.  
209
- 210 (3) Docking facilities shall not be located closer to any side lot line than the minimum side yard  
211 requirement of the zoning district applicable on the adjacent shore. The side lot lines shall be  
212 deemed to extend into the adjacent water body perpendicular to the shoreline which they  
213 intersect.  
214
- 215 (4) All boats shall be moored parallel to the length of the waterway.  
216
- 217 (5) The height of a docking facility (except openwork, railings, pilings, flag or signal poles and  
218 boat davits) shall not exceed the height of the ground level to which it abuts, except when  
219 state or federal regulations require additional height.  
220
- 221 (6) The location of mooring areas over productive tidal marshes and marine grass beds shall be  
222 prohibited when such location will destroy such marshes and grass beds.  
223
- 224 (7) Prior to any trimming or alteration of mangroves, notification must be given to the City of  
225 the intent to trim or alter such mangroves. The property owner must provide evidence to the  
226 City that any intended trimming or alteration activity is permissible under the 1996  
227 Mangrove Trimming and Preservation Act. Such evidence can only be provided by the  
228 Florida Department of Environmental Protection or a Professional Mangrove Trimmer who  
229 meets the qualifications set forth in Florida Statute 403.9329.  
230

231 **Sec. 110-96. Design standards for residential docking facilities.**  
232

233 The following standards shall be met prior to the issuance of any development order for  
234 any noncommercial docking facility by the city:

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- (1) Each lot or parcel with a dwelling may have boat mooring areas provided the boat mooring areas do not impede access to abutting lots or parcels. All vessels in the boat mooring areas must be registered to the owner of the lot or parcel with the exception of one vessel. For platted waterfront lots which do not meet the minimum residential lot size of 5,000 square feet and do not have a dwelling, one docking facility is permitted provided that the following is complied with:
  - a. The owner of such lot shall also own a lot within the city which contains a dwelling;
  - b. There shall be no live-aboard vessels; and
  - c. Adequate provisions shall be made for waste removal.
  
- (2) All docking facilities shall comply with side yard setbacks as prescribed in chapter 114, Article V. The setback shall be measured from outside limits of the upland owner's riparian line as applied to the lot or parcel. For purposes of this regulation, the riparian line is a line projected from the shoreline of the lot or parcel to the centerline of the navigable canal.
  
- (3) No docking facility shall extend into the waterway more than five feet from the bulkhead or seawall and shall be no more than 20 feet parallel to the shoreline. Notwithstanding the preceding sentence, on waterways that are without seawalls, or when it is necessary to reach a reasonable water depth, a walkway no more than ten feet long and five feet wide, measured from the mean high water line, as established by survey, may be constructed to reach the dock's landing platform, which shall be no more than 20 feet parallel to the shoreline and five feet perpendicular to the shoreline. On waterways which are obstructed by mangroves, the docking facility must be seaward of the mangroves and any a walkway may only extend directly beyond the mangroves. Said walkway however shall not exceed 20 feet in length and 5 feet wide to reach the docking platform. No docking facility shall be placed closer than 20 feet to the centerline of the waterway as measured from the portion of the waterway where the facility is to be located. A survey shall be submitted verifying the centerline distance.
  
- (4) Mooring pilings may be placed no more than 35 feet from the bulkhead, seawall or waterway boundary, whichever is most landward. Notwithstanding the foregoing, neither mooring pilings nor moored vessels shall be placed closer than 20 feet to the centerline of the waterway as measured from the portion of the waterway where the facility is to be located. A survey shall be submitted verifying the centerline distance.
  
- (5) Covered and boat house docking facilities are prohibited.

**Sec. 110-97. Design standards for commercial docking facilities.**

282 The following standards shall be met prior to the issuance of any development order for  
283 any commercial docking facility by the city:  
284

- 285 (1) For bodies of water considered to be Outstanding Florida Waters, no new dredging  
286 is allowed unless it can be shown that the proposed dredging is in the public's  
287 interest, as required by Florida Statutes. However, restrictions of the comprehensive  
288 plan prevail.  
289
- 290 (2) Waterfront uses shall have sufficient upland area to accommodate all non-water-  
291 dependent uses, such as but not limited to parking areas and restaurants.  
292
- 293 (3) Proposed waterfront uses shall demonstrate no significant adverse impact on  
294 established recreational and commercial fishing activities.  
295
- 296 (4) Dredging and filling of wetlands or open water in order to accommodate non-water-  
297 dependent uses shall not be allowed. Exceptions may be granted in cases shown to  
298 be an overriding public interest, such as the presence of sensitive upland habitats.  
299
- 300 (5) New marina-type uses shall be located only in areas having adequate depths for  
301 ingress and egress without dredging productive (vegetated) submerged areas. A  
302 minimum water depth of four feet mean low water shall be required. Greater depth  
303 shall be required for those facilities designated for, or capable of, accommodating  
304 boats having more than a three-foot draft. These depth requirements shall apply to  
305 the area between the proposed facility and any natural or other navigational channel,  
306 inlet or deep water. Marking of navigational channels shall be required.  
307
- 308 (6) In reviewing applications for docking facilities, ways to mitigate adverse  
309 environmental impacts of proposed or past activities shall be explored. This may  
310 include shallowing dredged areas, restoring wetland or submerged vegetation, or  
311 marking navigational channels. Such mitigation or restoration may be required as a  
312 condition of approval.  
313
- 314 (7) Boat maintenance and other intense activities shall be located as far as possible from  
315 open water bodies in order to reduce contamination of water bodies by toxic  
316 substances common to boat maintenance. Runoff from boat maintenance activities  
317 must be collected and treated prior to discharge.  
318
- 319 (8) Open wet slips shall be preferred to covered wet slips in design to reduce shading of  
320 water bodies which results in reduced biological productivity.  
321
- 322 (9) Cumulative effects of several marinas/boat ramps in one area shall be considered in  
323 the review of proposed waterfront uses.  
324
- 325 (10) All new or expanded marinas shall provide adequate capacity to handle sewage,  
326 either by means of on- site pump-out and treatment facilities, or connection to a  
327 treatment plant. Applicants shall document the availability and capacity of such

328 sewage facilities to handle the anticipated volume of waste. All marinas with fueling  
329 facilities shall provide pump-out facilities at each fuel dock. Marinas which serve  
330 live-aboards or overnight transient traffic shall provide direct connections to  
331 municipal sewage collection system at every live-aboard and transient slip.

332  
333 (11) The applicant shall provide documentation of capability to respond rapidly and  
334 effectively to contain any spills of petroleum or other hazardous materials.  
335 Documentation shall be in the form of a spill contingency plan, which shall include a  
336 list of cleanup equipment and where it will be stored, fuel pump operation and  
337 emergency shutdown procedures, and a description of the training which will be  
338 provided to marina personnel who will operate the pumps and deploy cleanup  
339 equipment.

340  
341 (12) All marina-type uses shall demonstrate compliance with state water quality  
342 standards by maintaining a water quality monitoring program approved by the state  
343 department of environmental protection.

344  
345 (13) Grass beds and other submerged habitats deemed valuable by the state department of  
346 environmental protection shall be protected, regardless of their size.

347  
348  
349 **Sec. 110-98. Operational guidelines for commercial marinas.**

350  
351 (a) *Applicability.* This section applies to all new construction and to redevelopment of existing  
352 marinas.

353  
354 (b) *Hurricane preparedness plan.* Approved marina-type uses shall prepare hurricane  
355 preparedness plans.

356  
357 (c) *Fuel management plan.* Approved marina-type uses shall prepare, if appropriate, a fuel  
358 management/spill contingency plan which shall describe methods to be used in dispensing  
359 fuel and all procedures, methods and materials to be used in the event of a fuel spill.

360  
361 (d) *Speed limits.* All basins for marina-type uses will be designated idle speed zones, and  
362 access channels shall be designated slow speed zones.

363  
364 (e) *Manatee protection.* Approved uses shall comply with the manatee protection plan of the  
365 state department of environmental protection, when developed, if approved subsequent to  
366 the development of such plan; otherwise, uses utilizing waterfront access for boats shall be  
367 subject to the following:

368  
369 (1) *Protection during construction period.*

370  
371 (a) If the state department of environmental protection has identified the waters  
372 surrounding the marina as an area frequented by the manatee, the West Indian  
373 Manatee shall be protected during the construction period. The contractor shall

374                   instruct all personnel associated with the project of the presence of manatees  
375                   and the need to avoid collisions with manatees.

376  
377                   (b) All personnel will be advised that there are civil and criminal penalties for  
378                   harming, harassing or killing manatees, which are protected under the  
379                   Endangered Species Act of 1973, the Marine Mammal Protection Act of 1972,  
380                   and the Florida Manatee Sanctuary Act of 1978. The developer will be held  
381                   responsible for any manatee harmed, harassed or killed as a result of  
382                   construction of the project.

383  
384                   (c) All construction activities in open water will cease upon the sighting of  
385                   manatees within 100 yards of the project area. Construction activities will not  
386                   resume until the manatees have departed the project area.

387  
388                   (d) A log detailing sightings, collisions or injuries to manatees which have  
389                   occurred during the construction period shall be kept.

390  
391                   (2) *Report after completion of construction.* Following project completion, a report  
392                   summarizing the incidents and sightings described in subsection (1)d of this  
393                   subsection shall be submitted to the Florida Department of Environmental  
394                   Protection, Manatee Recovery Program (100 Eighth Avenue, S.E., St. Petersburg,  
395                   Florida 33701-5095), and to the U.S. Fish and Wildlife Service (2747 Art Museum  
396                   Drive, Jacksonville, Florida 32207).

397  
398                   (3) *No wake zone.* If the state department of environmental protection has identified the  
399                   waters surrounding the marina as an area frequented by the manatee, an idle/no  
400                   wake speed zone shall be clearly marked in the channel from the marina facility to a  
401                   point beyond the manatee area, or to the Intracoastal Waterway.

402  
403                   (4) *Signs.*

404  
405                   (a) Manatee awareness signs shall be installed and maintained at prominent  
406                   locations within the construction area or facility. A marina site plan shall be  
407                   sent to the state department of environmental protection, which will specify  
408                   sign locations.

409  
410                   (b) Signs shall be three-inch by four-inch 125 gauge 61TS aluminum, covered  
411                   with white engineer-grade reflective sheeting, with black printed lettering, a  
412                   black screened design, and a reflective tape border. The three-inch by four-  
413                   inch "Caution—Manatee Area" signs shall be fabricated to uniform waterway  
414                   marking design specifications.

415  
416                   (c) The installation of the three-inch by four-inch signs shall be made in  
417                   accordance with the specifications of the state department of environmental  
418                   protection for such signs. Sign installation specifications will be furnished to  
419                   the permittee when sign locations are designated.

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(d) Placement and installation of signs will be certified as on designated stations to the state department of environment protection by the project professional engineer before the marina facility is in use.

(e) Signs and pilings are to remain the responsibility of the owner and are to be maintained for the life of the marina in a manner acceptable to the state department of environmental protection.

(5) *Report of collisions.* Any collision with a manatee shall be reported immediately on the manatee "hotline" (1-800-342-1821) and to the U.S. Fish and Wildlife Service, Jacksonville Endangered Species Field Station (904-791-2580).

(6) *Educational display.* A permanent educational display shall be established and maintained at a prominent location to increase the awareness of boaters using the facility of the presence of manatees and need to minimize the threat of boats to these animals. The display should include information on the location of the facility with respect to boat speed zones in the area, the threat which boats pose to manatees, and the manatee "hotline" number (1-800-342-1821). Other information which may aid in the conservation of the species may be obtained from the state department of environmental protection.

(f) *Seagrass replacement.* A seagrass bed replacement and maintenance program shall be established by the property owner and approved by the state department of environmental protection when appropriate. This program shall include a baseline survey of seagrass beds, which shall be submitted as part of the development plan review, and a program for replacement of seagrass beds disturbed during construction and because of any cumulative damage caused by increased boat traffic generated by the facility. The replacement ratio shall be two to one. A permit for the removal or transplanting of seagrass beds shall be obtained from the state department of environmental protection, bureau of aquatic weeds, prior to approval of a final site plan.

(g) *Restrooms.* Marinas shall have adequate restroom facilities in compliance with health department regulations and the Standard Plumbing Code. Regulations prohibit the use of vessel toilets while moored, unless these toilets are self-contained or have an approved treatment device.

(h) *Garbage receptacles.* Garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.

(i) *Pump-out holding and treatment facilities for wastes from mobile sources.* Sewage, solid waste and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of in a manner acceptable to state and local authorities regulating wastes from mobile sources. Regulations pertaining to handling and disposal of waste, sewage or toxic materials shall apply.



466 **Sec. 110-99. Bulkheads and seawalls. (section moved to Sec. 110-73)**

467  
468 ~~A bulkhead or seawall shall be constructed along the property line wherein the property~~  
469 ~~borders the waterway shown on the plat of the subdivision within which the property is located,~~  
470 ~~and the seawall or bulkhead shall conform to the existing seawalls or bulkheads in the area. Prior~~  
471 ~~to constructing or erecting seawalls or bulkheads, the owner of the lot shall have the property~~  
472 ~~surveyed by a registered engineer, which survey shall be made within six months of the date of~~  
473 ~~the owner's application to construct the seawall or bulkhead.~~

474  
475 **Secs. 110-~~10099~~—110-120. Reserved.**

476  
477 **SECTION 3.** Article V, “Anna Maria City Pier”, of Chapter 110, “Waterways” of the Code of  
478 Ordinances of the City of Anna Maria is hereby amended to read as follows:

479  
480 **Sec. 110-121. Rights and jurisdiction of lessee.**

481 The lessee of the Anna Maria City Pier is hereby given:

- 482  
483
- 484 (1) Unless otherwise specifically provided in a then valid lease of the Anna Maria City  
485 Pier, the control and supervision of the leased premises, as defined in the pertinent  
486 lease agreement.
  - 487  
488 (2) Unless otherwise specifically provided in a then valid lease of the Anna Maria City  
489 Pier, ~~T~~he exclusive right to sell bait, fishing equipment, supplies, food and  
490 beverages from said premises.

491  
492 **Sec. 110-122. Prohibited acts.**

493  
494 It shall be unlawful for any person to do or perform any of the following acts on the Anna  
495 Maria City Pier and Dock:

- 496  
497 (1) Operating any automobile, truck, motorcycle, scooter, bicycle or any other vehicle,  
498 except:
- 499  
500 a. ADA approved wheelchairs, powered wheelchairs or mobility scooters which are  
501 required when walking is impossible or impaired due to illness, injury, or  
502 disability.
  - 503  
504 b. Vehicles authorized by the City to provide services to the pier or structures on the  
505 pier.
- 506  
507 (2) Bathing, swimming, jumping or diving from the pier.
- 508  
509 (3) Giggling, spearing or using snatch hooks to take fish from or under the pier and dock and  
510 within 50 yards thereof.
- 511  
512 (4) Taking dogs or other pets onto the pier, except guide dogs and service animals.

- 513  
514 (5) Igniting or using any gasoline, kerosene, volatile fuel, gas, charcoal, wood or other  
515 similar type of lantern, lamp, stove, fire or lighting device other than those which are  
516 battery operated, except as required by the lessee of the premises in the conduct of the  
517 lessee's business in the leased premises.  
518  
519 (6) Placing upon, dumping or throwing from the pier or dock into adjacent waters any  
520 bottles, cans, garbage, trash or other debris or noxious substances or things. All persons  
521 using the pier and dock shall place such items in containers provided therefor.  
522  
523 (7) Cast netting beyond the designated cast net marker.  
524  
525 (8) It is unlawful for any person to consume or possess any alcoholic beverages on the pier  
526 or dock except that which has been purchased from the restaurant or bait shop.  
527  
528 (9) Permitting the presence of children on the city pier and dock under the age of ten years  
529 unless under the supervision of an adult.  
530  
531 (10) Smoking or vaping on the pier or within 50 feet of the entrance to the pier.  
532

533 **SECTION 4. CONFLICTS.** All Ordinances or parts of Ordinances, insofar as they are  
534 inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent  
535 of any conflict.  
536

537 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as  
538 and become and be made a part of the Code of Ordinances of the City of Anna Maria. The  
539 sections of this Ordinance may be renumbered or relettered to accomplish such intention.  
540

541 **SECTION 6. SEVERABILITY.** In the event that any word(s), phrase(s), portion(s),  
542 sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, or application thereof, is  
543 contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid,  
544 illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s),  
545 portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and  
546 void, and shall be deemed severed, and a separate, distinct, and independent provision from the  
547 remaining provisions of this ordinance, and such holding shall in no manner affect the validity of  
548 the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this  
549 Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a  
550 manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as  
551 expressed herein.  
552

553 **SECTION. 7. EFFECTIVE DATE.** This Ordinance shall be effective upon adoption  
554 by the City Commission and approval by the Mayor in accordance with the Charter of the City of  
555 Anna Maria.  
556

557 **PASSED AND ADOPTED,** by the City Commission of the City of Anna Maria, Florida,  
558 in regular session assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.r

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Jonathan Crane, Commissioner  
Doris Sebring, Commissioner  
Carol Carter, Commissioner  
Mark Short, Commissioner  
Joe Muscatello, Commissioner

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Carol Carter, Chairman

I hereby approve this Ordinance:

---

Dan Murphy, Mayor

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\_\_\_\_\_, 2021

ATTEST:

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

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LeAnne Addy, City Clerk

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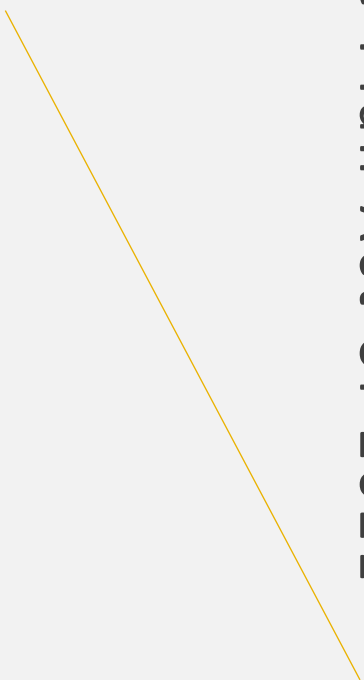
Gretchen R. H. "Becky" Vose  
City Attorney





# City of Anna Maria

American Rescue Plan Act of 2021



# Table of Funding

Name	Amount
Anna Maria	740 K
Bradenton	11 M
Palmetto	5.7 M
Holmes Beach	1.8 M
Bradenton Beach	537 K



# Allowable Use of Funds

Covered Period: March 2, 2021 – September 30, 2021

- Respond to public health emergency
- Transfer to a private nonprofit organization
- Necessary investments to Infrastructure
- Recoup general revenue losses

# City of Anna Maria Proposed Potential Capital Improvement Projects

- Reimbursement to Not-For-Profits Revenue
- Pine Avenue Corridor Plan Development
- Pine Avenue Corridor Construction Elements
- Paving of Gulf Drive, South Bay Blvd., Magnolia
- Infiltration Maintenance (Various locations)

The Department of Treasury put out the Interim final rule.

Under Section 602(c)(1)(C) or 603(c)(1)(C), recipients may use the funds for maintenance of infrastructure or building new infrastructure.









## CITY OF ANNA MARIA

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

### MINUTES MAY 13, 2021 AT 2:00 P.M. CITY COMMISSION REGULAR MEETING

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

**TO ATTEND YOU MUST:**

**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\***

**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, Commissioner Joe Muscatello, Commissioner Jonathan Crane, Commissioner Mark Short, Commissioner Deanie Sebring, Chair Carol Carter.

**Others Present:** City Clerk LeAnne Addy (via Zoom) Deputy Clerk Debbie Haynes, Administrative Assistant Stephanie Janney, City Attorney Becky Vose (via Zoom), AMI Sun, Islander Newspaper.

#### REGULAR MEETING

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

##### 1. General Public Comment

*Chair Carter* recognized County Commissioner Carol Whitmore for her attendance today.

*County Commissioner Whitmore* stated she hopes to attend future meetings that are held at 2:00p.m. She asked commissioners to let her know if there is anything she can bring back to the county commission.

*Mayor Murphy* thanked Commissioner Whitmore for attending and stated she has always been a big supporter of the city.

*Chair Carter* also recognized former City Commissioner Doug Copeland for his attendance today.

*Alan Ward* of 402 Poinsettia Road stated he has parking concerns on Pine Avenue. He presented material to the commission regarding sight distance and triangles done by a county traffic engineer.

##### 2. The Center Annual Funding Request – Culhane

*Mr. Chris Culhane* noted this request is for the \$25,000 annual funding. He briefly reviewed the financials of The Center.

*Commissioner Crane* asked what the rental income is from the kitchen space.

*Commissioner Short* noted he is on The Center's finance committee and he responded the information is on page two of the financials under fundraising revenue, other income. He noted page three lists the data by month.

*Commissioner Carter* asked how much the Center is anticipating under the American Rescue Plan. Mr. Culhane responded \$150,000 -\$200,000.

*Commissioner Short* noted the finance committee looked at the anticipated funding each of the three cities will get and did a pro rata calculation based on that amount.

*Mayor Murphy* noted there are four not for profits to consider, The Center, Island Players, Historical Society, Garden Club.

*Mayor Murphy* noted we could come back in two weeks with a recommendation after we know what the American Rescue Plan is going to provide to the city as well as what the city has in the parks and recreation budget.

*Mayor Murphy* noted he is disappointed Holmes Beach does not want to support the Center. Holmes Beach has the largest budget, more members that attend the Center, and also have an obligation to keep it running.

*Commissioner Short* agreed with Mayor Murphy's comments and stated we need to have a broader view for the American Rescue plan funds to benefit the entire city.

*Chris Culhane* stated there are 190 Community Center members from Holmes Beach, 160 members from Anna Maria and about 8 from Bradenton Beach.

*County Commissioner Whitmore* stated all city comp plans provide for recreation and she noted she will be writing a letter to Holmes Beach.

The Commission unanimously agreed to have Mayor Murphy bring back a recommendation at the next meeting in two weeks.

### 3. Reimagining Pine Avenue –

*Mayor Murphy* introduced Gerry Traverso, PE, PMP from George F. Young, Inc.

*Mr. Traverso* gave a brief outline of his experience and outlined the company's history noting it was established in 1919 in St. Petersburg, FL. He mentioned that the company does not believe in a one-size fits all approach. He then presented the project goals and objectives for the Pine Avenue corridor.

*Chair Carter* asked how many alternatives would be presented.

*Mr. Traverso* responded they would look present up to four different alternatives, from doing nothing to extreme solutions.

*Commissioner Crane* noted the importance of public input and asked specifically how that would be solicited.

*Mr. Traverso* responded we will have public meetings, study areas, and the possibility of a website.

*Mayor Murphy* noted the city will facilitate the public meetings, email blasts will be sent out via the website, and there will be canvassing on Pine Avenue.

*Chair Carter* noted surveys and stats in July might be beneficial as that is a boom time.

*Mayor Murphy* stated July 22<sup>nd</sup> is a comfortable date to have information for budget purposes but there might be more study done after that date, based on the parameters under the American Rescue Plan.

*Commissioner Crane* mentioned tourists riding bikes or crossing streets crazily should be taken into consideration.

*Deputy Patrick Manning* noted the MCSO collects data for crashes out here versus the Florida Highway Patrol of other areas so that should be noted when gathering information.

*Ex-Commissioner Doug Copeland* of 708 North Bay Blvd stated that he wanted to applaud the commission for taking the project on, and he hopes to see it continue.

**Motion:** To authorize \$50,274 to George F. Young, Inc. for the Pine Avenue Corridor study.

**Action:** Motion made by Commissioner Short, seconded by Commissioner Muscatello.

Upon roll call vote, the motion passed unanimously.

### 4. Ordinance 21-887 Scofflaw (First Reading) – Vose

*Attorney Becky Vose* read the title of Ordinance 21-887 Scofflaw and explained that this will continue to allow the city to furnish the DMV a list of persons who have three or more outstanding parking violations. License tags with three or more parking tickets will not be allowed to re-register without first paying the outstanding tickets.

*Commissioner Short* asked if there are any motorized vehicles allowed on the road that are untagged.

*Mayor Murphy* noted some city vehicles and turtle watch vehicles can be on the road, not tagged.

### 5. COVID Order Discussion – Mayor/Vose

*Mayor Murphy* noted there are really three options available regarding the COVID orders; enact a regular ordinance, enact an emergency ordinance or do away with altogether.

*Attorney Vose* reviewed order numbers 1A, 3A, 205. Regarding order number 6, declaration of emergency, Mayor Murphy noted we can keep as written and continue to sign every week. Attorney Vose suggested keeping for at least a month. She will put something out on the legal blog and will check with other cities and will come back on order number 6 in two weeks.

*Commissioner Sebring* noted she would not be in favor of an ordinance.

*Commissioner Short* noted he would probably not be in favor.

*Commissioner Muscatello* noted he would be in favor of an ordinance,

*Chair Carter* noted she would probably not be in favor of an ordinance.

*Commissioner Crane* noted perhaps there could be a trigger mechanism in place.

*Mayor Murphy* stated a commissioner could call an emergency meeting if needed.

#### 6. Future of the Farmers Market – Mayor

*Mayor Murphy* re-iterated the three options he presented at the last meeting; leave the market as is, do away with the market altogether or move it to another location., his recommendation is to keep the market where it is, on the same day and the same hours. He noted we currently run the market on Tuesdays from October through May, 8:00am-2:00pm.

*Commissioner Sebring* recommends keeping the market in City Pier Park, as she believes it is the perfect location.

*Chair Carter* stated that there are many resident participants from the island.

*Commissioner Crane* agreed with everything said, he also stated that the event enhances the City.

*Commissioner Short* agrees, he stated that we may need to re-evaluate spacing once we have other items in the park, i.e., playground equipment.

#### 7. Memorial Day Event Update – Mayor/Haynes

*Deputy Clerk Haynes* presented the schedule of events for the Symphony Salute. General consensus is that everyone is excited to have the event back

#### 8. Mayor's Comments

*Mayor Murphy* provided an update on Mote Marine. He stated the proposal was approved by the TDC and on June 8<sup>th</sup> it goes to the county commission. If approved there will be an interlocal agreement between the city commission and county commission and the agreement would go back to the county in July for signatures.

*Mayor Murphy* noted there may be a COVID-19 vaccination bus in the city and provided possible dates.

#### 9. Commissioners Comments

*Commissioner Crane* stated he saw Brian Seymour and noted he is doing well. He wanted to mention there will be an artist out of Nashville, Maddy Addis that will be playing at the pier on June 4<sup>th</sup> and June 5<sup>th</sup>.

*Chair Carter* stated Elliott Falcione, Executive Director of the Visitor's Bureau will be at the next Commission meeting on May 27<sup>th</sup> to present the new County campaign, Love It Like a Local. She also noted the Love AMI group will attend the next meeting as well. She continued and noted that HB 403 regarding Home Based Businesses is going to the Governor and mentioned the Florida League of Cities is asking for individuals to write veto letters to the Governor.

*Mayor Murphy* noted the Florida Home Rule website will also be sending out a campaign requesting subscribers send letters to the Governor.

*Chair Carter* stated she would forward Mayor Murphy and Deputy Clerk Haynes a copy of the letter from the Florida League of Cities.

#### 10. City Attorney Comments

None.

#### 11. Staff Comments

None.

#### 12. CONSENT AGENDA: The following items are considered routine in nature and should be considered in a single motion. Items which warrant individual discussion should be removed from this list prior to the motion to adopt. Such items will be discussed separately.

- a. Approval of State College of Florida Memorandum of Understanding – Disaster Recovery
- b. Approval of Minutes: Regular Meeting 4/22/2021
- c. Special Event & Waiver of Fee: AMI Privateers Processional - July 4, 2021 (10:00 a.m. to 12:00 p.m.)
- d. Special Event: Leffie Lee Shackelford Memorial Services – June 22, 2021 (3:30 p.m. to 6:00 p.m.)

**Motion:** to approve the Consent Agenda.

**Action:** motion made by Commissioner Crane, seconded by Commissioner Sebring.  
Upon roll call vote, the motion passed unanimously.

**Press Comment**

*Joe Hendricks, The Sun* asked if masks will be required at the Memorial Day event.

*Mayor Murphy* responded they will not be required.

**Adjournment**

*Chair Carter* adjourned the meeting at 4:21 p.m.

**Minutes Approved:** \_\_\_\_\_

X \_\_\_\_\_  
**Debbie Haynes, Deputy Clerk**

DRAFT