

ORDINANCE NO. 02-4382

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA CREATING THE ST. ARMANDS SPECIAL BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT; SPECIFYING THE BOUNDARIES, SIZE AND NAME OF SAID DISTRICT; APPOINTING A THREE MEMBER BOARD OF DIRECTORS WHO SHALL CONDUCT AND ADMINISTER THE BUSINESS AND AFFAIRS OF SAID DISTRICT; AUTHORIZING SAID DISTRICT TO LEVY AN AD VALOREM TAX ON REAL AND PERSONAL PROPERTY WITHIN THE DISTRICT OF UP TO 2 MILLS ANNUALLY; AUTHORIZING SAID DISTRICT, SUBJECT TO REFERENDUM APPROVAL, TO MAKE AND COLLECT CERTAIN SPECIAL ASSESSMENTS; AUTHORIZING SAID DISTRICT TO RECEIVE PLANNING GRANTS; REQUIRING SAID DISTRICT TO COMPLY WITH CERTAIN STATUTORY ANNUAL BUDGET PROCEDURES; GRANTING SAID DISTRICT CERTAIN ENUMERATED POWERS; WITHHOLDING FROM SAID DISTRICT CERTAIN OTHER ENUMERATED POWERS; SPECIFYING HOW DISTRICT FUNDS SHALL BE HELD; REQUIRING SAID DISTRICT TO PREPARE AND ADOPT BYLAWS; REQUIRING SAID DISTRICT TO PROVIDE NOTICE OF ITS CREATION TO THE DEPARTMENT OF LEGAL AFFAIRS AND THE DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF FLORIDA; REQUIRING THE CITY AUDITOR AND CLERK TO PROVIDE NOTICE OF THE CREATION OF SAID DISTRICT TO THE SARASOTA COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; PROVIDING FOR THE TERMINATION OR RENEWAL OF SAID DISTRICT AFTER 10 FISCAL YEARS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.511, Florida Statutes (2001) sets forth the procedures by which a Special Business Neighborhood Improvement District can be created; and

WHEREAS, on February 19, 2002 the City Commission passed on second reading and finally adopted Ordinance No. 01-4342 which authorizes the creation of Special Business Neighborhood Improvement Districts and Special Residential Neighborhood Improvement Districts pursuant to Section 163.511, Florida Statutes within the municipal limits of the City; and

WHEREAS, on March 4, 2002, the Commercial Landowners Association of St. Armands, Inc. submitted to the City Commission a Petition seeking to call a referendum to determine whether a Special Business Neighborhood Improvement District should be created pursuant to Section 163.511, Florida Statutes (2001) in the CT Zone District in the vicinity of St. Armands Circle; and

WHEREAS, the Referendum has been conducted pursuant to Section 163.511, Florida Statutes (2001) and the freeholders owning in excess of 50% of the assessed value of the real property within the St. Armands Special Business Neighborhood Improvement District have approved the creation of said District; and

WHEREAS, The City Commission, pursuant to Section 163.511, Florida Statutes (2001) hereby creates the St. Armands Special Business Neighborhood Improvement District pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. Creation. There is hereby created the St. Armands Special Business Neighborhood Improvement District, hereinafter referred to as the District. The boundaries of the District shall be all parcels of real property located within the CT Zone District in the vicinity of St. Armands Circle. A copy of a boundary map of the District is attached hereto and incorporated by reference herein as Exhibit A. A list of all of the parcels located within the District, by Parcel ID number, is attached hereto and incorporated by reference herein as Exhibit B. In the event of any conflict between Exhibit A and Exhibit B, Exhibit B shall control. The size of the District is approximately 7.13 acres, plus or minus.

Section 2. Appointment of Board of Directors. The business and affairs of the District shall be conducted and administered by a Board of three Directors who are subject to ad valorem taxation within the District either personally or through a beneficial ownership in an entity which is subject to ad valorem taxation in the District. The Directors shall not receive any compensation for

their services nor may they be employed by the District. The initial Board of Directors of the District shall be as follows:

Michael Valentino

who shall be appointed for a one year term commencing on January 1, 2003 and terminating on December 31, 2003; and

Vicki Fry

who shall be appointed for a two year term commencing on January 1, 2003 and terminating on December 31, 2004; and

Martin Rappaport

who shall be appointed for a three year term commencing on January 1, 2003 and terminating on December 31, 2005.

Successor Directors and re-appointments shall be for three year terms. Each Director shall hold office until his or her successor is appointed and qualified unless the Director ceases to be qualified to act as a Director or is removed from office. Vacancies on the Board of Directors of the District shall be filled for the unexpired portion of a term by appointment made by a majority of the City Commissioners. Reappointment of Directors shall be accomplished by a vote of a majority of the City Commissioners to be conducted at least two months prior to the reappointment date. The Directors shall be subject to the Code of Ethics for Public Officers and Employees as set forth in Part III of Chapter 112, Florida Statutes, as amended from time to time and the requirements of the Public Records Law and Public Meetings Law in Chapters 119 and 286, Florida Statutes, as amended from time to time, respectively. The City Commission may remove a Director for

inefficiency, neglect of duty or misconduct in office only after a hearing and only if the Director has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

Section 3. Taxing and Funding.

- A. The District is hereby authorized to levy an ad valorem tax on real and personal property within the District of up to two mills annually.
- B. The District is authorized to use special assessments to support planning and implementation of District improvements pursuant to the provisions of Section 163.514 (16) Florida Statutes (2001) including community policing innovations. These special assessments may only be imposed if approved by an affirmative vote by a majority of the freeholders within the District pursuant to a Referendum. Said special assessments may only be used to pay for improvements to the District and for reasonable expenses of operating the District. Such special assessments shall not exceed \$500.00 for each individual parcel of land per year.
- C. The District is specifically authorized to receive planning grants from the State of Florida.

Section 4. Budget Process. The District shall establish its budget pursuant to the provisions of Chapter 200, Florida Statutes, as amended from time to time. Prior to the Board of Directors adopting the final budget and setting the millage rate, the Board shall submit a tentative budget and proposed millage rate of the District to the City Commission for approval or disapproval. The City Commission shall have the power to modify the budget or millage submitted by the Board of Directors. Subsequent to approval by the City Commission, the Board of Directors shall adopt its final budget and millage rate in accordance with the

requirements of Chapter 200, Florida Statutes, as amended from time to time.

Section 5. Powers of District. The District is hereby specifically granted the following enumerated powers:

- A. The District may employ a manager, who shall be a person of recognized ability and experience, to serve at the pleasure of the Board of Directors. The Manager may employ such employees as may be necessary for the proper administration of the duties and functions of the District. However, the Board of Directors of the District shall approve such positions and fix the compensation for such employees.
- B. The District may contract for the services of attorneys, engineers, consultants and agents for any lawful purpose of the District.
- C. The District may enter into contracts and agreements and sue and be sued as a body corporate.
- D. The District may have and use a corporate seal.
- E. The District may accept grants and donations of any type of property, labor or other thing of value from any public or private source.
- F. The District may cooperate and contract with other governmental agencies or other public bodies.
- G. The District may contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the Board of Directors or the District.
- H. The District may contract with the City for planning assistance and for increased levels of law enforcement protection and security, including additional personnel.
- I. The District may promote and advertise the commercial advantages of the District so as to attract new businesses and encourage the expansion of existing businesses.
- J. The District may promote and advertise the District to the public and engage in cooperative advertising programs with businesses located in the District.

- K. The District may improve street lighting, streets, drainage, utilities and swales, and provide safe access to mass transportation facilities in the District.
- L. The District may undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security and defensible space.
- M. The District may prepare, adopt, implement and modify a safe neighborhood improvement plan for the District.
- N. Subject to Referendum approval, the District may make and collect special assessments pursuant to Section 197.3632 and 197.3635, Florida Statutes to pay for improvements to the District and for reasonable expenses of operating the District, including the payment of expenses included in the District's budget, subject to an affirmative vote by a majority of the freeholders within the District. Such assessment shall not exceed \$500.00 for each individual parcel of land per year. Notwithstanding the provisions of Section 101.6102, Florida Statutes, the Referendum to approve the special assessments shall be by mail ballot. Any such Referendum shall be conducted pursuant to the procedures set forth in Section 163.514 (16), Florida Statutes (2001) as amended from time to time.
- O. The District may lease real property as a lessee and may own personal property.

The District shall only have those powers specifically enumerated above and shall not have any implied or incidental powers arising from said enumerated powers.

Section 6. Specifically Withheld Powers. Notwithstanding the fact that Section 5 sets forth the enumerated powers of the District and specifies that the District shall not have any implied or incidental powers, the City desires to specifically set forth certain enumerated powers which shall forever be withheld from the District. Said powers which are hereby withheld from the District shall include, but are not limited to the following:

- A. The District shall not have the power of eminent domain.

- B. The District shall not have the power to have exclusive control of funds legally available to it. Rather, all funds of the District shall be held and secured by the appropriate fiscal officers of the City of Sarasota in the same manner as other public funds. The funds of the District shall be maintained under a separate account and shall be used for purposes authorized by the City Commission and shall be dispersed only by direction or with approval of the District pursuant to requisitions signed by the Manager or other designated chief fiscal officer of the District and counter-signed by at least one other member of the Board of Directors of the District.
- C. The District shall not have the power to acquire, own, convey or otherwise dispose of, lease as lessor, construct, maintain, improve, enlarge, raze, relocate, operate and manage real property and facilities of whatever type to which it holds title and grant and acquire licenses, easements and options with respect thereto.
- D. The District shall not have the power to privatize, close, vacate, plan or re-plan streets, roads, sidewalks and alleys.
- E. The District shall not have the power to identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent and develop programs for eradication thereof.

Section 7. By-laws. The Board of Directors of the District shall adopt by-laws which shall govern the activities of the Board of Directors. Said by-laws shall be adopted on or before March 31, 2003. The by-laws shall provide that in January of each year the Directors shall organize by electing from their number a chair and a secretary. The by-laws shall provide for maintenance of minutes and other official records of the proceedings of the District and actions of the District. The by-laws shall require preparation and adoption of an annual budget for each ensuing fiscal year. The by-laws may also provide that the District may employ staff and legal

representatives as deemed appropriate who shall serve at the pleasure of the Board and may receive such compensation as shall be fixed by the Board. The by-laws shall require the secretary to keep a record of the proceedings of the District and that the secretary shall be the custodian of all books and records of the District.

Section 8. Notices.

- A. The District shall notify the Department of Legal Affairs and the Department of Community Affairs of the State of Florida in writing of its establishment on or before January 30, 2003 pursuant to Section 163.5055, Florida Statutes (2001).
- B. The City Auditor and Clerk is hereby directed to provide a certified copy of this Ordinance, within thirty (30) days of its adoption on second reading, to the Property Appraiser of Sarasota County and the Tax Collector of Sarasota County so as to provide such entities notice of the creation of the District for the purposes of including the ad valorem taxes and, special assessments, if any, on the 2003 tax bill.

Section 9. Termination or Renewal. The District shall cease to exist at the end of the tenth fiscal year of operation, i.e. on or about December 31, 2012. The District may continue in operation for unlimited subsequent ten year periods if the continuation of the District is approved at a referendum conducted pursuant to Section 163.511, Florida Statutes, as amended and in effect at that time. Said referendum shall be held upon the submission of a Petition to the City Commission requesting same in compliance with the terms and conditions of Section 163.511, Florida Statutes, as it may exist at that time. The District shall terminate if the Freeholders fail to petition for a referendum seeking renewal and continuation of the District. Should the District cease to exist,

all real property owned by the District, if any, shall become property of the City of Sarasota, Florida. In the event the District is dissolved, the property owners within the District shall make alternative arrangements acceptable to the debt holders and the City of Sarasota pertaining to the payment of any debts of the District.

Section 10. Conflict. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. Effective Date. This Ordinance shall take effect immediately upon second reading. The Board of Directors of the District shall be empowered to act as of the effective date of this Ordinance. The creation of the St. Armands Special Business Neighborhood Improvement District shall take effect on January 1, 2003.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 15th day of July, 2002.

PASSED on second reading and finally adopted this 5th day of August, 2002.


CAROLYN J. MASON, MAYOR

ATTEST:


CITY AUDITOR AND CLERK

ords/mac/pn/02-starmands-7/16/02

EXHIBIT B

Parcels of Real Property Located Within the District

2014-05-0065	2014-05-0068
2014-05-0069	2014-05-0071
2014-05-0074	2014-05-0075
2014-05-0077	2014-05-0079
2014-05-0081	2014-05-0082
2014-05-0085	2014-05-0087
2014-05-0089	2014-05-0091
2014-05-0092	2014-05-0094
2014-05-0096	2014-05-0098
2014-05-0099	2014-05-0100
2014-05-0102	2014-05-0106
2014-05-0107	2014-05-0109
2014-05-0111	2014-05-0112
2014-05-0113	2014-05-0114
2014-05-0115	2014-05-0116
2014-05-0117	2014-05-0118
2014-05-0119	2014-05-0120
2014-05-0121	2014-05-0122
2014-05-0123	2014-05-0125
2014-05-0126	2014-05-0127
2014-05-0129	2014-05-0131
2014-05-0132	2014-05-0135
2014-05-0137	2014-05-0140
2014-05-0141	2014-05-0143
2014-05-0144	2014-05-0145
2014-05-0146	2014-05-0147
2014-05-0148	2014-05-0150
2014-05-1001	2014-05-1002
2014-05-1003	2014-05-1004
2014-05-1005	2014-05-1006
2014-05-1007	2014-05-1008
2014-05-3001	2014-05-3002
2014-05-3003	2014-05-3004
2014-05-3005	2014-05-3006
2014-05-3007	2014-05-3008
2014-05-3009	2014-05-3010
2014-05-3011	2014-05-4001
2014-05-4002	2014-05-4003
2014-05-4004	2014-05-4005